

Submission AGR 00319-25: Recommendation to grant an Aquaculture Licence for 1 site (T05-472A)

TO: Minister
STATUS: Completed
PURPOSE: Approval

AUTHOR: Naughton, Maria
OWNER: Naughton, Maria
REVIEWERS: Barry, Karen
McLoughlin, PatrickM (Aquaculture)
Batt, Brian
McSherry, Sinead
Byrne, Hanagh

DIVISION: Aquaculture and Foreshore Management
Division

DECISION BY:

Final comment

Approved by the Minister

Action required

Ministerial Determination on Aquaculture Licensing Application (T05-472A)

Executive summary

The Minister's determination is requested in relation to an application for an Aquaculture Licence from Woodstown Bay Shellfish Limited, The Harbour, Dunmore East, Co. Waterford. The application is for the culture of mussels using bottom culture on Site T05-472A totalling 23.1626 hectares on the foreshore in Kinsale Harbour, Co. Cork.

It is recommended that the Minister determines the Aquaculture Licence sought **be granted** to Woodstown Bay Shellfish Limited for the reasons outlined in the 'Detailed Information' section below.

Detailed information

The Minister's determination is requested in relation to an application for an Aquaculture Licence from Woodstown Bay Shellfish Limited, The Harbour, Dunmore East, Co. Waterford. The application is for the cultivation of mussels using bottom culture on Site T05-472A, totalling 23.1626 hectares on the foreshore in Kinsale Harbour, Co. Cork.

Note: Tabs attached to this submission may contain additional information which is subject to redaction if transmitted to third parties.

BACKGROUND

Marine aquaculture operations require separate Aquaculture and Foreshore Licences.

The Aquaculture Licence defines the activity that is permitted on a particular site and the Foreshore Licence allows for the activity permitted under the Aquaculture Licence to take place in that particular area of the Foreshore. The validity of each licence is contingent on the other licence remaining in force.

Section 82 of the Fisheries (Amendment) Act 1997 requires the Minister in considering a lease or a licence under the Foreshore Act to have regard to the decision of the licensing authority in relation to the aquaculture licence.

"82.—The Minister, in considering an application for a lease or a licence under the Foreshore Acts, 1933 and 1992, which is sought in connection with the carrying on of aquaculture pursuant to an aquaculture licence, shall have regard to any decision of the licensing authority in relation to the aquaculture licence."

Therefore, the Foreshore Licence submission will be forwarded for consideration once the Licensing Authority/ALAB have made a

decision.

APPLICATION FOR AN AQUACULTURE LICENCE

An application (**TAB A**) for an Aquaculture Licence has been received from the applicant referred to above (in conjunction with an application for a Foreshore Licence), for the cultivation of mussels using bottom culture in relation to a 23.1626 hectare site on the foreshore in Kinsale Harbour, Co. Cork (numbered T05-472A – see TAB A).

LEGISLATION

Section 7 of the Fisheries (Amendment) Act 1997 provides that the licensing authority (i.e. Minister, delegated officer or, on appeal, the Aquaculture Licences Appeals Board) may, if satisfied that it is in the public interest to do so, licence a person to engage in aquaculture.

CONSULTATION AND PUBLIC COMMENT

The application was sent to the Department's technical experts, statutory consultees and was also publicly advertised in a composite public notice covering both aquaculture and foreshore elements.

Technical Consultation – TAB B

Marine Engineering Division (MED): Stated no objection to the application. *"The site is located at Outer Kinsale Harbour, Co. Cork. The site is west of the harbour entrance channel, between James Fort and Money Point. The application is for the subtidal cultivation of mussels without the use of structures. Typically, seed is relayed on the seabed and on-grown to market size. Harvesting of mussels from the site would be carried out by dredging. The Port of Kinsale Harbour Master should be notified prior to dredging operations.*

The subtidal area would be accessed by boat. The applicant should indicate the proposed sites access route and vessel unloading location following harvesting".

The applicant submitted a proposed site access route and the proposed location for unloading is Youghal and Dunmore East.

Statutory Consultation – TAB C

Regulation 10 of the Aquaculture (Licence Application) Regulations, 1998 requires certain statutory bodies to be notified of an Aquaculture Licence application.

Comments were received from the following statutory bodies:

Marine Survey Office (MSO): Stated no objection to the application.

It is proposed to insert a specific condition covering MSO matters in any licence/s which may issue as follows:

The Minister's determination in respect of this licence is conditional upon immediate full compliance by the Licensee in respect of all requirements and conditions which are imposed under the relevant legal provisions applicable to the Marine Survey Office.

Sea Fisheries Protection Authority (SFPA): Stated the following:

"There is an existing pot fishery in the proposed area, south of James Fort Block House which targets shrimp (PAL), lobsters (LBE), crabs (CRE, LIO) and Crayfish (VLO) which may be impacted on by the laying of mussel seed in the area. Also, crustacean storage keeps are moored in proximity to the area.

The impacts on the existing oyster producing operations upriver are unknown.

The area is not currently classified for mussel production. (The Food Safety legislation under which a competent authority classifies production areas from which it authorises the harvesting of live bivalve molluscs is Regulation (EC) 854/2004 ANNEX II Chapter 2 Para A.) The process of classification would take between 6 months to a year.

The SFPA submission also contained information regarding a compliance notice. As this information does not relate to the application site, it is not considered further.

The issue of the area not being situated in Designated Shellfish Waters will be addressed as a licence condition in Schedule 4.

Marine Institute (MI): Stated no objection to the application.

The MI made the following recommendations:

- *"MI recommends that the initial source of seed and other sources which may be used at any point in the future should be approved by the Minister. This approval should be a specific condition of any licence that may issue.*
- *Prior to the commencement of operations at the site, the applicant be required to draw up a contingency plan, for the approval of DAFM, which shall identify, inter alia, methods for the removal from the environment of any invasive non-native species introduced as a result of operations at this site. If such an event occurs, the contingency plan shall be implemented immediately.*
- *In the event that invasive non-native species are introduced into a site as a result of aquaculture activity the impacts may be bay - wide and thus affect other aquaculture operators in the bay. In this regard, therefore, the Marine Institute considers that the CLAMS process may be a useful and appropriate vehicle for the development and implementation of alien species management and control plans".*

Following considerations implicit to Sections 61 (e and f) of the Fisheries (Amendment) Act 1997, the Marine Institute is of the view that there will be no significant impacts on the marine environment and that the quality status of the area will not be adversely impacted.

Commissioner of Irish Lights (CIL): Stated no objection to the application. *"The nature of bottom cultivation would generally indicate that there is no navigational hazard.*

CIL request the following conditions be included in the Licence if granted:

- *No navigable inter-tidal channels or the nearby slip/pier to be impeded by the development.*
- *No obstructions of any kind above the seabed.*
- *No moorings or marker buoys to be placed on the site.*
- *The observations made by the Nautical Surveyor regarding anchoring and the rules for surface navigation should be clearly noted".*

Cork County Council: Stated the following:

"No details have been provided with regard to the land location from which the applicant proposes to service/operate the proposed activity. It should be noted there is a popular bathing area at 'Jarleys Cove' beach, west of the proposed site. While not having statutory designated bathing waters protection, it is a popular bathing amenity, with limited infrastructure. Cork County Council has concerns that this area may be used to service/operate the proposed development. Cork County Council requests that the applicant (via the Aquaculture Licensing Authority), submits details of where they propose to service/operate the proposed aquaculture activity from".

Subsequently the applicant gave the site access and proposed vessel unloading location would be Youghal and Dunmore East. This was sent to Cork County Council and no further comments were received.

Kinsale Harbour Commissioners: Stated the following:

"1. Designated Shellfish Waters

While aquaculture activities are to be generally welcomed, DAFM should confirm that the area outlined in the application is located within Designated Shellfish Waters as claimed on Pg. 7 of the Application (our records show otherwise), which states the site is within designated shellfish waters."

MED confirmed that the site is outside shellfish designated waters. However, this is not an issue from a licensing perspective.

"2. Operating Agreement

Cork County Council (CCC), as the Port Authority for Kinsale Harbour, has not received communication from the applicant in relation to proposed port operations linked with the commercial exploitation of the proposed site. With a view to issuing an annual Operating Agreement and prior to giving permission for vessels to enter the harbour, CCC will need the applicant to submit details of their operating plan. This shall include, but shall not be limited to:

2.1 Vessel details, including copy of relevant licences, proof of insurance, GMP crew list, owner and skipper 24h contact details and all other pre-arrival documents

2.2 Detailed description and frequency of seeding/ dredging operations including, if relevant, tidal, weather and day time / night time restrictions.

2.3 Berthing, landing and other ports services requirements.

2.4 Description of any land based activities taking place in the Kinsale area but outside the remit of port's piers, slipways and other facilities."

MED acknowledged this point and suggested that AFMD could include these as licence conditions.

"3. Fees

Harbour Dues, waste charges, water charges, landing fees and aquaculture site fees may apply to the proposed operations. This will be specified in the Operating Agreement.

"4. Bathymetric Surveys

In order to monitor potential depths variations due to dredging operations and/or uncontrolled growth of shellfish, CCC would require annual bathymetric surveys of the harbour.

It should be noted there is a mid channel bar to the east of the proposed site, at the widest point of the outer harbour, that restricts navigation. The applicant should demonstrate that there will be no adverse effect on shipping from increased sedimentation at this point."

MED agreed that the operator should carry out regular bathymetric surveys of the harbour as requested by Kinsale Harbour Master.

5. "Water Quality

In order to monitor the impact on other fisheries (oysters, crabs, lobsters, shrimps, demersal etc.) and other harbour activities (angling, swimming, recreational boating, etc.) CCC would require regular water quality surveys of the Harbour.

Although Kinsale WWTP was opened in 2011, current classification of this Transitional water body (2012-2015) is "Moderate" and "At Risk" of not achieving Water Framework objectives for this water body. The body was 'Eutrophic' in 2010 to 2012. While there may be an upward positive trend in water quality, there may be a reduction in the 'carrying capacity' of the water body to sustain additional aquaculture activities, without adversely affecting existing aquaculture activities."

MI replied stated that "the WFD status of the Lower Bandon Estuary being less than good is noted. It is important to note, as identified other submissions, that the failure to meet Good ecological status is due to excess of nutrients in the water. This is a recurring issue in the region, wherein many transitional waterbodies in the Southwest are failing to meet good status. It is likely linked to agricultural practices upstream. Determination of this status is on the basis of ongoing water quality monitoring in the harbour.

While dredging of mussels at the proposed site may cause the release of nutrients (nitrogen) into the water column, it is likely that any impact will be short-lived as a result of plume dispersion or tidal flushing. This is particularly true given the proposed location of the application. Also, it should be noted that shellfish, in culture, has been identified as a regulating service in marine systems, in particular as a result of their ability to capture and export nutrients (Smaal et al 2019). It is concluded that, given the relatively small size of the site in question and the sporadic nature of likely disturbing activity that the proposed activity does not pose any additional risk to the WFD status of the waterbody in question.

Furthermore, it is important to note that the waterbody is subject to extensive water quality monitoring under a number of different regulatory programmes including the aforementioned WFD as well as the Shellfish Waters Directive. To date, monitoring of Biota, Water and Physico-Chemical monitoring at the Kinsale SWD and Lower Bandon Estuary WFD sites has occurred from 2016 to 2024.

In summary, it is the view of the Marine Institute that there is no additional monitoring of water quality parameters required for this water body above and beyond what is already carried out".

6. "Archaeological Survey

Considering the history of the area and prior to initial seeding/ dredging, CCC would require an archaeological survey of the proposed site."

An Underwater Archaeological Impact Assessment was carried out by BIM on behalf of the applicant, and this is detailed further under the Department of Housing, Local Government & Heritage (DHLGH)'s submission.

7. "Safety of navigation in the Harbour

In order to avoid involuntary dissemination and or contamination of the seeded shellfish, the proposed site would have to be designated as a "no anchoring", "avoid grounding" and "no fishing or pots" area.

This area should be marked with lit special marks positioned at an interval no greater than 1 cable.

In the interest of navigation safety, at the south east and north east corners of the site, markers should consist of lit port hand lateral marks similar in size to the current "Spur" mark.

As a consequence of the narrowing of the channel caused by the above marking of the proposed site, the dangers on the eastern shore of the channel would have to be marked by at least no. 3 lit starboard hand markers similar in size to the current "Spur" mark. They would have to be located directly opposite the above mentioned no. 3 port hand marks.

The applicant would have to provide CCC with the above marks and cover regular maintenance and insurance costs. All markers would have to receive statutory sanctions from the Commissioners of Irish Lights."

In the event of an emergency the proposed site and adjacent beach may be used for the safe "beaching of vessels". The Operation Agreement would have to stipulate that neither the Port Authority nor the master or owner of the vessel using this safe beaching area may be liable for damaged caused to shellfish or equipment.

The issue of marking the site was referred back to CIL and they recommended that no navigation markers are required due to the absence of any seabed obstruction to vessels, they do not consider the site to be a risk from a safety of navigation perspective.

MED agreed that safe 'beaching' of vessels should be permitted within the site and that this should be included as a licence condition.

"8. Jarley's Cove Beach Amenity

It should be noted by the Licensing Authority that there is a popular beach amenity in close proximity to the proposed site. Cork County Council has concerns there may be an adverse effect on the amenity littoral zone, arising from increased deposition of fine sediment, including pseudofaeces, from the mussel beds. This may result in the beach assuming an unpleasant appearance with malodours, particular during dredging operations. Although currently not statutorily designated bathing water, it is hoped to enhance this beach amenity.

This beach is also a popular site for kayakers and triathlons, the intensification of the use of marker buoys and moorings may adversely affect this activity."

MED suggested the dredging operations be restricted to outside the summer months. This should be included as a licence condition. This would avoid any potential future bathing water designations and the busy season for tourists and visiting yachts.

"9. Environmental Impact Statement

Having regard to the aforementioned:

- *Water designation*
- *Deficiencies in details of the proposed operation of the activity*
- *potential impact on tourism and marine leisure*
- *archaeology and history of the site*
- *potential visual impact from markers/buoys to provide safe navigation*
- *impact on Harbour safety management issues*
- *risk to the adjacent beach amenity*
- *water quality and carrying capacity*

It is the view of Cork County Council Harbour Masters Section, that the application would greatly benefit from a screening assessment to determine whether the application should be subject to an Environmental Impact Statement, or comfort should be provided by a Ministerial Declaration under Article 5 of the Aquaculture (Licence Application) Regulations, 1998 S.I. No 236/1998, that an EIS is not required."

MED stated that an EIS is not required.

Under Regulation 5 of the Aquaculture (Licence Application) Regulations, 1998 SI 236/1998 an EIS report is not required.

Fáilte Ireland: Stated no objection to the application but request that the following be considered:

- *"Implications for other marine users of the harbour and Dock Beach*

- *Impact on activity tourism, recreation and sailing events within Kinsale Harbour*
- *Establishment of precedent for existing and future development of a similar nature and scale".*

MED stated *"the proposed aquaculture will be located on the seabed and off the navigation channel. MED believe the impact on tourism in the area will not be significant".*

Department of Housing, Local Government & Heritage (DHLGH) Recommended that an Underwater Archaeological Impact Assessment, should be undertaken to assess the impact of the development on known or potential archaeology prior to any works proceeding at the site.

An Underwater Archaeological Impact Assessment (**TAB D**) was carried out by BIM on behalf of the applicant and the conclusion/recommendations are as follows:

"Kinsale Harbour has a long maritime and naval history, including the Battle of Kinsale. There are a number of wrecks whose exact location is unknown, but whose general location is recorded as 'Kinsale' or 'Kinsale Harbour', any of which may fall within the proposed aquaculture site. Therefore, there is a potential for buried archaeological material to remain preserved within the sediment.

While the laying of mussels on the seabed will have no impact on buried archaeology, dredging of mussels for harvesting could potentially impact on buried archaeological material.

There are no known wrecks or monuments within the bounds of the proposed aquaculture site. The geophysical survey and subsequent dive truthing survey identified no evidence of archaeological material within the proposed development.

No further archaeological mitigation measures are recommended for the proposed aquaculture site T05/472A."

The Underwater Archaeological Impact Assessment report was forwarded to DHLGH and they acknowledged the findings of the assessment and stated they broadly concur with the recommendation for no further mitigation but recommend the following condition be attached to any aquaculture licence that may issue from the Department of Agriculture, Food and the Marine:

Archaeological Recommendations:

"In order to mitigate the risk of damage to any previously unrecorded archaeological remains a Protocol for Archaeological Discoveries (PAD) shall be prepared to mitigate impacts in the event of any unexpected archaeological discoveries during aquaculture works. This protocol will also include appropriate archaeological briefings for all personnel involved in the activities associated with the proposed scope of works. The PAD shall be agreed in advance of the commencement of any aquaculture works with the National Monuments Service of the Department of Housing, Local Government and Heritage".

An Taisce: An Taisce submission had a number of issues with the AA Screening which are summarised below. The submission was sent to the MI for comment and those replies are shown at the end of each heading.

Cormorants

The concern relates to damage of the seabed as a result of relaying mussels and subsequent bottom dredging during maintenance and harvesting. The concern is that this will result in harm to habitat and feeding opportunities for Cormorant from the Sovereign islands SPA which is a breeding site for this species. The submissions refers to a number of publications identifying impacts of bottom mussel dredging. The submission also makes reference to trophic cascade effects resulting from bottom dredging and identifies the loss of a range of epifaunal taxa and the increase in scavenging species in the vicinity.

The MI responded as follows (TAB E):

"The Marine Institute acknowledges that the area under culture will be subject to change as a result of the deposition and subsequent culture of seed mussels. This is not in question. However, it should be noted that the habitat proposed for culture is predominantly sedimentary which is the dominant habitat type in the estuary. It is accepted that the area would be identified as suitable foraging habitat for Cormorant, however, it is likely that the introduction of mussel culture into the area will increase habitat heterogeneity which will likely result in an increase in the presence of fish in the immediate area. Mussels on the seabed have been shown to have a greater abundance of fish and crustacean relative to adjacent sedimentary areas. The increased concentration of fish and crustaceans (both food for cormorant) as a result of bottom mussel culture is unlikely to significantly impact the population of cormorant originating from the Sovereign Island and the Cork Harbour SPAs."

Cumulative Impact

"In addition, the AA screening fails to fully assess the cumulative impact of the project, instead simply describing the two types of aquaculture which are proposed for the area. It does not take other pressures in to account, such as wastewater treatment in Kinsale,

or use of the area for amenity, nor does it assess the combined impact of the two proposed projects."

The MI responded as follows:

"The comment is noted and is addressed in the revised AA Screening. To this end, existing and proposed licensing activities in the vicinity of the proposed extensive shellfish culture activities have been reviewed..."

The review of these sources has identified no existing activities on the foreshore or adjacent to the foreshore that may interact with the existing or proposed shellfish culture activities and result in in-combination effects, or more importantly, synergistic cumulative effects, such that those QIs already screened out may now be included. The result of this has meant that screening conclusions identified in the report are considered valid."

Water Framework Directive (WFD)

The increase in suspended sediment as a result of dredging activity is identified as a risk to WFD physico-chemical and nutrient status.

The MI responded as follows:

"The WFD status of the Lower Bandon Estuary being less than good is noted. It is important to note, as identified in the An Taisce submission, that the failure to meet good ecological status is due to excess of nutrients in the water. This is a recurring issue in the region, wherein many transitional waterbodies in the Southwest are failing to meet good status. It is likely linked to agricultural practices upstream. While dredging of mussels at the proposed site may cause the release of nutrients (nitrogen) into the water column, it is likely that any impact will be short-lived as a result of plume dispersion or tidal flushing. Also, it should be noted that shellfish, in culture, has been identified as a regulating service in marine systems, in particular as a result of their ability to capture and export nutrients. It is concluded that, given the relatively small size of the site in question and the sporadic nature of likely disturbing activity that the proposed activity does not pose any additional risk to the WFD status of the waterbody in question."

Aquaculture Licence conditions required on foot of the Statutory Consultation process will be contained in Schedules 3 and 4 of the Draft Aquaculture Licence, if granted.

Public Consultation

The application was publicly advertised using a composite public notice covering both aquaculture and foreshore elements, in The Southern Star on 9th February 2019 and was also publicly advertised in the Southern Star on 15th May 2021 due to an error in the previous 9th February 2019 publication. The application and supporting documentation were available for inspection at Kinsale and Bandon Garda Stations for a period of four weeks from the date of publications of the notice in the newspaper.

There were 602 submissions or observations received from the 1st public consultation process and 7 submissions or observations received from the second public consultation process. The submissions or observations can be summarised as follows:

- The harbour is a public amenity and is not suitable for further commercial activity given its size and nature. The application has the potential to damage the harbour and its natural beauty.
- The negative effect on tourism will lead to a reduction in the amenity value and usage of Kinsale harbour by leisure boats of all types, water sports, swimming, sailing, fishing diving etc.
- The effect on the local economy that sells itself exclusively on tourism and boutique shopping. The proximity to Charles Fort and the Dock beach.
- Increased commercial traffic which will lead to noise pollution and potential damage to beaches, marinas, local boats and infrastructure.
- Legacy of previous mussel farm where mussels moved into the Harbour and up the river and attached to boats, yachts, pontoons, and blocked sea cocks which led to additional costs to fishermen and lack of fishing.
- The impact to the Customs and RNLI services operating out of Kinsale.
- Archaeological significance of the seabed in this historical area. An archaeological survey of seabed is needed.
- No evidence of independent EIS done. No consultation with the community and lack of information on the application form regarding source of seed, site management and predator control.
- Impact of the mussel farm on salmonids and freshwater pearl mussels. Juvenile salmon and sea trout grow and develop in the Bandon River and tributaries and eventually migrate downstream to feed in saltwater. Development will adversely affect biodiversity within the Bandon River catchment.
- The effect dredging will have on the water quality. Dredging will impact biodiversity of the harbour and affect the Marine life of Otters, Cormorant, Zostera, Salmon, Trout and freshwater pearl which will all be negatively affected.
- Concerned about the impact of dredging on the sediment and the spread of shellfish outside a licensed area. Risk of

increase in invasive species.

The observations have in the main been addressed by our technical and scientific advisors at **TAB C** and **TAB E**.

A copy of all the submissions or observations received at the Public and Statutory consultation stage were forwarded to the applicant. The applicant did not reply.

Screening for Appropriate Assessment

A Screening for Appropriate Assessment was carried out in relation to aquaculture activities and it was determined that *"an Appropriate Assessment is not required as the project individually or in-combination with other plans or projects is **not** likely to have a significant effect on any European sites"*. (**TAB F Screening Determination for Appropriate Assessment**)

CRITERIA IN MAKING LICENSING DECISIONS

The licensing authority, in considering an application, is required by statute to take account of, as appropriate, the following points and must also be satisfied that it is in the public interest to license a person to engage in aquaculture:

a) the suitability of the place or waters

Scientific advice is to the effect that the waters are suitable for the cultivation of mussels;

b) other beneficial uses of the waters concerned

Public access to recreational and other activities can be accommodated by this project;

c) the particular statutory status of the waters

(i) Natura 2000

The site is not located within a Natura area (i.e. in a Special Area of Conservation or Special Protection Area).

A Screening for Appropriate Assessment was carried out in relation to the aquaculture activities. The Minister for Agriculture, Food and the Marine determined that *"an Appropriate Assessment is not required as the project individually or in-combination with other plans or projects is **not** likely to have a significant effect on any European sites"*.

(ii) Shellfish Waters

The site is not located within Shellfish Designated Waters.

d) the likely effects on the economy of the area

Aquaculture has the potential to provide a range of benefits to the local community, such as attraction of investment capital, development of support services, etc.

e) the likely ecological effects on wild fisheries, natural habitats, flora and fauna

No significant issues arose regarding wild fisheries. The potential ecological impacts of aquaculture activities on natural habitats, flora and fauna are addressed in the Article 6 Report supporting Appropriate Assessment Screening of Extensive Aquaculture in Kinsale Harbour, Co. Cork.

The Department of Housing, Local Government & Heritage (DHLGH) did not comment on nature conservation grounds and, furthermore, this is not a Natura 2000 site.

f) the effect on the environment generally

The Department's Scientific Advisor, the Marine Institute, are of the view that there will be no significant impacts on the marine environment and that the quality status of the area will not be adversely impacted.

g) DHLGH commented on the Underwater Archaeological Impact Assessment report which was forwarded to DHLGH and they acknowledged the findings of the assessment and stated they broadly concur with the recommendation for no further mitigation but recommend the following condition be attached to any aquaculture licence that may issue from the Department of Agriculture, Food and the Marine.

Archaeological Recommendations:

In order to mitigate the risk of damage to any previously unrecorded archaeological remains a Protocol for Archaeological

Discoveries (PAD) shall be prepared to mitigate impacts in the event of any unexpected archaeological discoveries during aquaculture works. This protocol will also include appropriate archaeological briefings for all personnel involved in the activities associated with the proposed scope of works. The PAD shall be agreed in advance of the commencement of any aquaculture works with the National Monuments Service of the Department of Housing, Local Government and Heritage.

RECOMMENDATION

It is recommended that the Minister:

approves the granting of an Aquaculture Licence (**TAB G**) to Woodstown Bay Shellfish Limited, The Harbour, Dunmore East, Co. Waterford, for a period of ten (10) years for the purpose of cultivating mussels using bottom culture in accordance with the terms and conditions of the attached draft Aquaculture Licence.

REASONS FOR DECISION

The Minister for Agriculture, Food and the Marine is required to give public notice of both the licensing determination and the reasons for it. To accommodate this, it is proposed to publish the following on the Department's website, subject to the Minister approving the above recommendation:

"Determination of Aquaculture Licensing application –T05-472A

Woodstown Bay Shellfish Limited has applied for authorisation to cultivate mussels using bottom culture on the sub-tidal foreshore on a 23.1626 hectare site (T05-472A) in Kinsale Harbour, Co. Cork.

The Minister for Agriculture, Food and the Marine has determined that it is in the public interest to grant the licence 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. The following are the reasons and considerations for the Minister's determination to grant the licence sought: -

- a. *Scientific advice is to the effect that the waters are suitable;*
- b. *Public access to recreational and other activities can be accommodated by this project;*
- c. *The proposed development should have a positive effect on the economy of the local area;*
- d. *All issues raised during Public and Statutory consultation phase;*
- e. *There are no effects anticipated on the man-made environment heritage of value in the area;*
- f. *No significant effects arise regarding wild fisheries;*
- g. *The proposed aquaculture activities do not spatially overlap with Natura 2000 sites and there should be no significant impacts on the nearest Natura site.*
- h. *No significant impacts on the marine environment and the quality status of the area will not be adversely impacted;*
- i. *The Aquaculture licence contains terms and conditions which reflect the environmental protection required under EU and National law."*

Related submissions

AGR 00141-24: Appropriate Assessment Screening Determination for Application References T05-472A, T05-530A, T05-530B, T05-530C

Comments

Barry, Karen - 11/04/2025 17:09

Forwarded for your review and for consideration by the Minister to grant an Aquaculture Licence for site T05-472A.

McLoughlin, PatrickM (Aquaculture) - 14/04/2025 16:19

I agree with the recommendation as set out in the submission. Grateful for your review and approval.

McLoughlin, PatrickM (Aquaculture) - 17/04/2025 15:41

I agree with the recommendation as set out in the submission. Grateful for your review and approval.

Batt, Brian - 28/04/2025 15:31

Sinéad, I agree with the recommendation that the Minister approves the granting of an Aquaculture Licence to Woodstown Bay Shellfish Limited, The Harbour, Dunmore East, Co. Waterford, for a period of ten (10) years for the purpose of cultivating mussels using bottom culture in accordance with the terms and conditions of the attached draft Aquaculture Licence. Regards, Brian

McSherry, Sinead - 07/05/2025 10:06

It is recommended that the Minister approves the granting of an Aquaculture Licence to Woodstown Bay Shellfish Limited for a period of ten (10) years for the purpose of cultivating mussels using bottom culture in accordance with the terms and conditions of the attached draft Aquaculture Licence. Outlined in the detailed submission are the considerable number of issues raised in the public consultation and these have addressed by the departments scientific and technical advisers. Draft Licence attached.

Byrne, Hanagh - 07/05/2025 15:49

Cleared by SG

Rigney, Maria - 16/05/2025 10:31

Approved by the Minister

User details

INVOLVED: Naughton, Maria

Barry, Karen

McLoughlin, PatrickM (Aquaculture)

Batt, Brian

McSherry, Sinead

Sub Sec Gens Office

eSub Sec Gen

eSub Ministers Office

eSub Minister

READ RECEIPT: Naughton, Maria

Barry, Karen

McLoughlin, PatrickM (Aquaculture)

Batt, Brian

McSherry, Sinead

Byrne, Joyce

Byrne, Hanagh

Rigney, Maria



AQUACULTURE - LICENSING UNDER
FISHERIES (AMENDMENT) ACT 1997 as amended
and
FORESHORE ACT 1933 as amended

*Application Form for an Aquaculture and Foreshore Licence for
a single specific site.*

*If a Licence is required for more than one site a separate
application form must be completed for each site.*

Important Note

Section 4 of the Fisheries and Foreshore (Amendment) Act, 1998 (No. 54 of 1998) prohibits any person making an application for an Aquaculture Licence from commencing aquaculture operations until duly licensed under the Fisheries (Amendment) Act, 1997 (No. 23 of 1997), and provides that a breach of that prohibition will cause the application to fail.

A copy of an Environmental Impact Statement and Natura Impact Statement should be enclosed, if required, with all new, review and renewal applications. See Guidance Notes Section 3.

Aquaculture & Foreshore Management Division
Department of Agriculture, Food and the Marine
National Seafood Centre
Clonakilty, Co. Cork
P85 TX47
Telephone: (023) 8859500
Fax: (023) 8821782

Revised May 2018

**AQUACULTURE AND FORESHORE LICENCE APPLICATION FORM, for purposes of
FISHERIES (AMENDMENT) ACT, 1997 and FORESHORE ACT, 1933**

NB: The accompanying Guidance Notes should be read before completing this form.

Note: Details provided in Parts 1 and 2 will be made available for public inspection. Details provided in Parts 3 and 4 and any other information supplied will not be released except as may be required by law, including the Freedom of Information Act 1997 as amended.

**USE BLOCK CAPITALS IN BLACK INK
PLEASE**

For Office Use

Application Ref. No.

T05/472A

Date of Receipt (Dept. Stamp):



Type of Applicant (tick one)

Sole Trader

☐

Partnership

☐

Company

☒

Co-Operative

☐

Other

Please specify-

☐

PART 1: PRELIMINARY DETAILS

Applicant's Name(s)

1.

Woodstown Bay Shellfish

Address:

The harbour, Dunmore east, Co. Waterford

2.

Address:

3.

Address:

4.

Address:

Contact in case of enquiries (if different from above)	
Contact Name	
Organisation Name (if applicable)	
Address	

PART 1: PRELIMINARY DETAILS

TYPE OF APPLICATION – please indicate relevant type of application	
This Application Form is valid for each type of application - <i>See Guidance Note 3.1</i>	
(i) Aquaculture Licence	<input checked="" type="checkbox"/>
(ii) Trial Licence	<input type="checkbox"/>
(iii) Foreshore Licence, if Marine Based	<input type="checkbox"/>
(iv) Review of Aquaculture Licence	<input type="checkbox"/>
(v) Renewal of Aquaculture Licence	<input type="checkbox"/>

TYPE OF AQUACULTURE

See Guidance Note 3.2

Indicate the relevant type of application with a tick.

(i) MARINE-BASED

- | | | |
|--|-------------------------------------|--------------------------|
| Finfish | <input type="checkbox"/> | Go to Parts 2.1 and 2.1A |
| Shellfish <i>Subtidal</i> | <input checked="" type="checkbox"/> | Go to Parts 2.2 and 2.2A |
| <i>Intertidal</i> | <input type="checkbox"/> | Go to Parts 2.2 and 2.2A |
| Seaweed/Aquatic Plants/Aquatic Fish Food | <input type="checkbox"/> | Go to Parts 2.3 and 2.3A |

(ii) LAND-BASED

- | | | | | |
|----------------|--------------------------|-------------------|--------------------------|--------------------------|
| Finfish | <input type="checkbox"/> | Shellfish | <input type="checkbox"/> | Go to Parts 2.4 and 2.4A |
| Aquatic Plants | <input type="checkbox"/> | Aquatic Fish Food | <input type="checkbox"/> | Go to Parts 2.4 and 2.4A |

(iii) TRIAL LICENCE

- | | |
|--------------------------|---|
| <input type="checkbox"/> | Go to appropriate Parts as above and to Part 2.5. |
|--------------------------|---|

2.2 MARINE-BASED SHELLFISH AQUACULTURE

When filling out this section refer also to 2.2A and Guidance Note 3.3 for information on Conditions and Documents required with this application type

Proposed Site Location

- (i) Bay: Kinsale
- (ii) County: Cork
- (iii) OS Map No: See attached
- (iv) Co-ordinates of Site: (please specify coordinate reference system used e.g. Irish Grid (IG) or Irish Transverse Mercator (ITM) or Latitude/Longitude [in which case specify whether ETR589 or WG84 etc.]
See attached
- (v) Size of Site (hectares): Approx 25

(vi) Species (common and scientific name) and whether native or non-native species: (see Guidance Notes 3.3.1)

Mussel / M. edulis

(vii) Whether production will be sub-tidal or inter-tidal?

Sub-tidal

(viii) Please supply details of (a) source of seed e.g. wild hatchery and location and (b) means of collection and introduction to culture.

(a) Wild Irish Sea (b) fishing / Dredging

NB Importation of seed into the State or movement of seed within the State requires notification to the Marine Institute as per the Fish Health Authorisation Regulations – See Guidance Notes Section 6

(ix) Method of culture (rope, trestles – intensive; bottom – extensive; other)

Bottom

(x) Proposed number of lines/ropes/trestles as per site layout drawing

N/A

(xi) Proposed Production Tonnage:

Year 1	Year 2	Year 3	Year 4	Year 5
		<u>200T</u>		

(xii) (a) Please outline the reasons for site selection:

Previous Successful trial licence on site

(b) If using trestles please outline the physical characteristics of the site which make it suitable for using trestles

N/A

(xiii) Is it intended that the product is for direct human consumption or half grown? Please specify

Direct Human Consumption

(xiv) How will the visual impact issues of the flotation devices for the proposed application be addressed?

N/A

(xv) Is the site located in Designated Shellfish Waters Area? (Refer to Guidance Note 3.3.2)

Yes



No



If yes give details.

If no outline the reasons why you believe the site suitable for the proposed aquaculture, notwithstanding its location outside Designated Shellfish Waters Area?

(xvi) Has the area been classified under Food Safety Legislation? (For Bivalve Molluscs) What is the current classification of the area for the proposed species applied for?

Not at Present

(xvii) Is the site located in/adjacent to a sensitive area e.g. SPA (Special Protection Area) or SAC (Special Area of Conservation) i.e. a Natura 2000 site? (Refer to Guidance Note 3.3.1- Natura 2000 sites)

yes

(xviii) Are there known sources of pollution in the vicinity e.g. sewage outfall?
If yes please give full details.

Yes / No

NO

(xix) Methods used to harvest the shellfish and details of any subsequent processing of shellfish

Dredging

(xx) Describe any proposed purification facilities to be used:

Company has available
purification facilities
on Dunmore east premises

(xxi) What are the main predators of the species to be cultivated?

Crabs + Starfish

(xxii) Describe the method(s) which will be used to control them

Dredging / Site maintenance

See Part 2.2A for details of documentation to be included with this application type

2.2A DOCUMENTATION REQUIRED FOR MARINE-BASED SHELLFISH AQUACULTURE

(to be included separately with a Licence Application for a new site or for a renewal or review of an existing Licence)

1. **An appropriate Ordnance Survey Map (recommendation is a map to the Scale of 1:10,000/1:10,560, i.e. equivalent to a six inch map).** Note: The proposed access route to the site from the public road across tidal foreshore must also be shown on the map.
2. **Scale drawing of the structures to be used and the layout of the farm.**
The proposed site drawings must illustrate all site structures above and below the water including mooring blocks. (recommended scales normally 1:100 for structures and 1:200 for layout) (See Guidance Note 3.3.2)
3. **The prescribed application fee (See Guidance Note Section 4)**
4. **If the applicant is a limited Company within the meaning of the Companies Act 1963, as amended, the Certificate of Incorporation and Memorandum and Articles of Association**
5. **If the applicant is a Co-operative, the Certificate of Incorporation and Rules of the Co-operative Society**
6. **Environmental Impact Statement (if required) in certain cases- See Guidance Notes Section 3.3.1**
7. **Alien Species dossier (where required) – See Guidance Notes Section 3.3.1**

NOW COMPLETE PARTS 2.6, 3, 4 AND 5 PLEASE

**2.6 Employment, Qualifications, Experience, etc
TO BE FILLED IN BY ALL AQUACULTURE APPLICANTS**

(i) Please provide details of experience/qualifications of the applicant and any key personnel which are relevant to the aquaculture now proposed:

Woodstown Bay Shellfish have more than 20yrs experience in oyster Cultivation. The Company that is currently managed by 2nd generation of the Barlow family has recently expanded its export Markets to include China + Hong Kong.

Current management Staff have been Successful at opening new markets with the help of Staff Member Completion of Degrees in Aqua business & engineering. Also 15 years experience in bottom Mussel Cultivation at Companys other sites around the Country.

- (ii) If a new application please provide details of projected employment creation during first four years of the proposed aquaculture project:
(iii) In the case of a renewal please provide current and future details:

Currently employ 30 full time staff at oyster growing site in Waterford.

Grant of this Licence would allow us to grow staff by 6 people over 4 years

FULLTIME JOBS

Year 1:		Year 2:		Year 3:		Year 4:	
---------	--	---------	--	---------	--	---------	--

PART TIME JOBS

Year 1:		Year 2:		Year 3:		Year 4:	
---------	--	---------	--	---------	--	---------	--

PART 5: DECLARATION AND SIGNING

NB: Refer to Guidance Note Section 3.5 and Section 4 - Guidance on Declaration and Signing and Annual Aquaculture and Foreshore Licence Fees

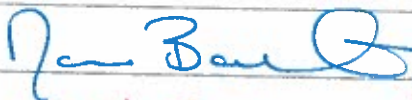
If this is a renewal/review have you met all licence conditions of the existing aquaculture licence? If applicable, explain why you have not complied with all conditions:

I/We hereby declare the information provided in Parts 1, 2, 3 and 4 above to be true to the best of my/our knowledge and that I am over 18 years of age. I/We enclose an application fee* of € _____ with this application.

Signature(s) of Applicant(s):
(Please state capacity of persons
signing on behalf of a Company/Co-op)



Paul BARLOW - Managing Director



NAOMI BARLOW - Manager

Date: 18/12/2018

**NB All persons named on this licence application must sign and date this application form.
Only the existing licence holder(s) can apply for the renewal/review of an Aquaculture Licence.**

*Preferred method of payment is by cheque or bank draft. The fee should be made payable to the Department of Agriculture, Food and the Marine.

Refer to Guidance Note Section 4 - Guidance on Aquaculture and Foreshore Licence Fees

The application form should be forwarded, with the required documents and application fee, to:

Aquaculture Licensing
Aquaculture & Foreshore Management Division
Department of Agriculture, Food and the Marine
National Seafood Centre
Clonakilty
Co. Cork
P85 TX47

1 NO. SITE AT Kinsale Harbour CO.Cork

Co-ordinates & Area

Site T05/472A (23.1626 Ha)

The area seaward of the high water mark and enclosed by a line drawn from Irish National Grid Reference point

164853, 049499 to Irish National Grid Reference point

165039, 049675 to Irish National Grid Reference point

165295, 048695 to Irish National Grid Reference point

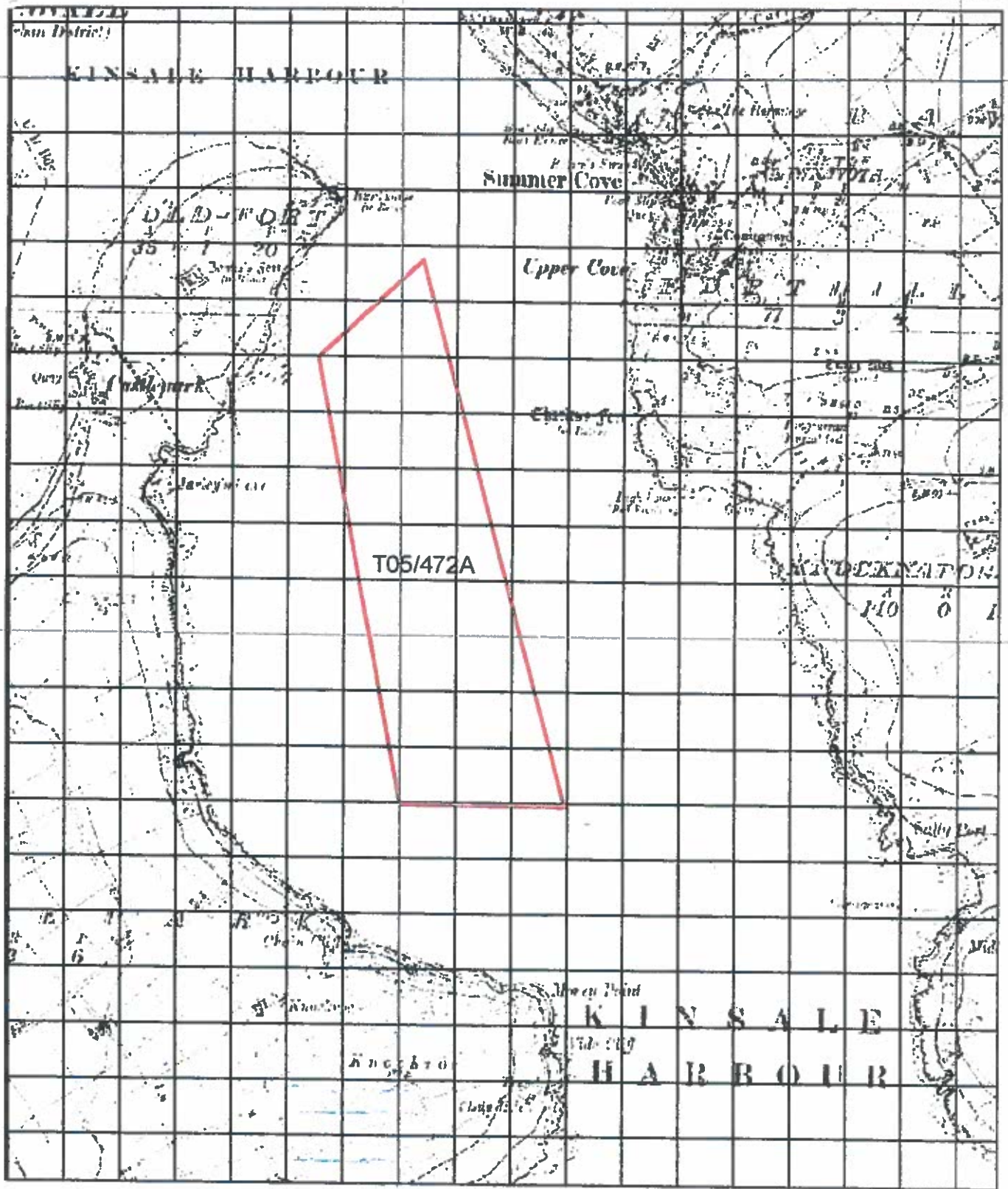
165001, 048697 to the first mentioned point.

165000

166000

50000

49000
















165000

166000

Aqua Culture Sites

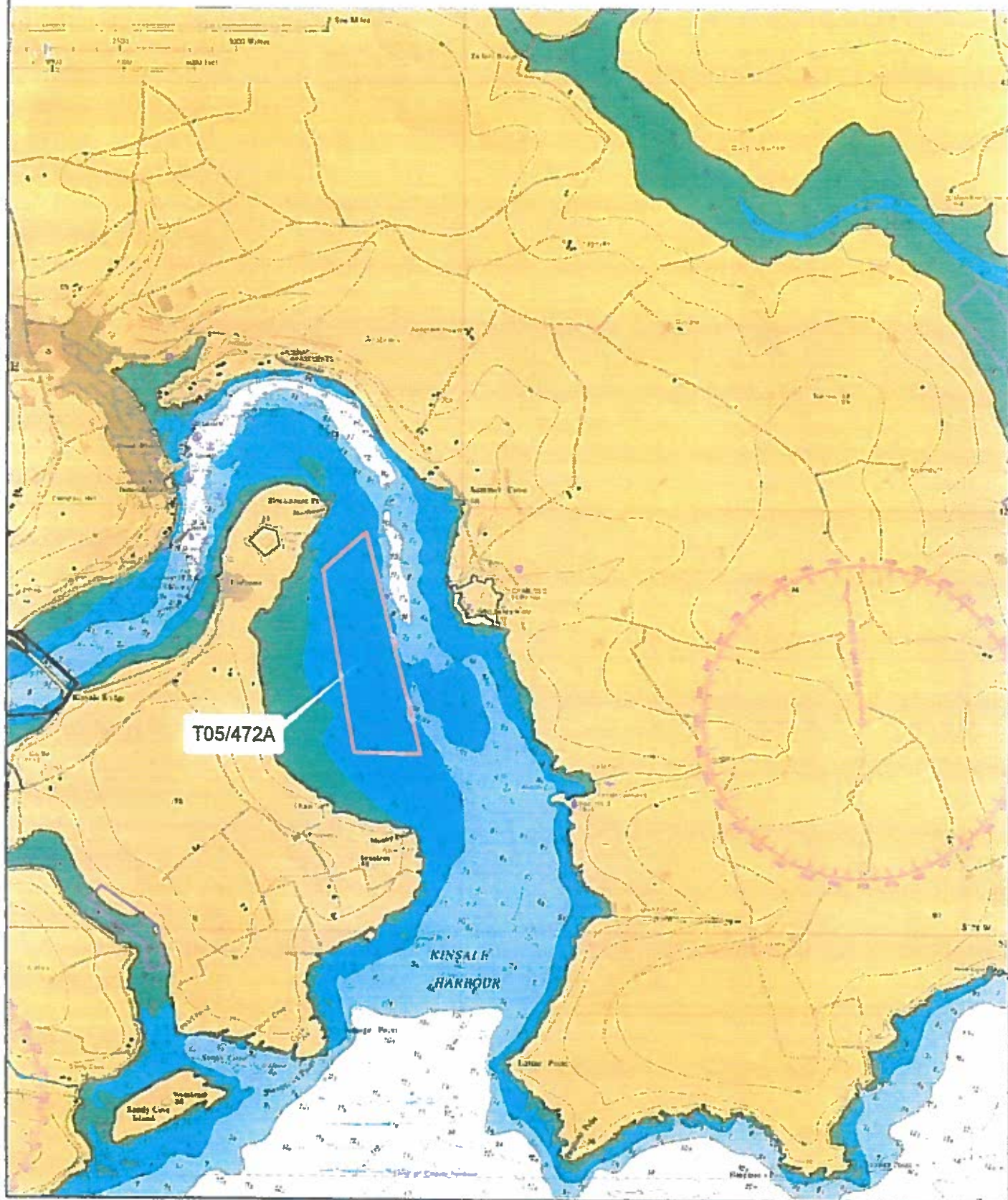
Site Status

-  Application
-  Application Lapsed
-  Application Refused
-  Application Renewal
-  Application Withdrawn
-  License Altered
-  License Revoked
-  License Surrendered
-  Licensed
-  Oyster Fallow Order
-  Unknown
-  Unlicensed
-  100 Meter Reference Grid

1:10,000

Site highlighted in red denotes application

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Aqua Culture Sites

Site Status

- Application
- Application Lapsed
- Application Refused
- Application Renewal
- Application Withdrawn
- License Altered
- License Revoked
- License Surrendered
- Licensed
- Oyster Fishery Order
- Unknown
- Unclassified

1:24,000

Site highlighted in red denotes application
 Part of Admiralty Chart Nos 2053-0
 Not to be used for Navigation.



Department of
**Agriculture,
 Fisheries and Food**
 An Roinn
**Talmhaíochta,
 Iascaigh agus Bia**



Marine Engineering Division

Report on Aquaculture Licence Application

Application Reference No: T05/472

Report Prepared by: Gearoid O'Shea, Engineer

Date: 25 January 2019

Applicant Woodstown Bay Shellfish

Location Kinsale Harbour, Co. Cork

Applicant Type Aquaculture/Foreshore Licence

Sites	T05/472
Site Area (Ha)	23.163

Species Mussels (*Mytilus edulis*)

Cultivation Method Bottom Culture Dredging

Intertidal/Non-Intertidal Sub-tidal

Source of Seed / Spat Fishing / Dredging

Annual Production Estimates 200 Tonnes

Shellfish Waters Designation Yes ☐ No ☒

Reference:

Environmental Designation Yes ☐ No ☒

Reference:

Development Plans Yes ☒ No ☐

Reference: Cork County Development Plan 2014, Section 6.11

Pre-Consultation Meeting Yes ☐ No ☒

Drawing Validation Sheet

OSI Maps**Yes** ☐ **No** ☒

Comment:

MED 6" Map

BA Chart**Yes** ☐ **No** ☒

Comment:

MED BA Chart Map

Farm Layout Drawing**Yes** ☐ **No** ☒

Directional Arrow

Yes

☐

No

☐

Scale

Yes

☐

No

☐

Title Block

Yes

☐

No

☐

Date

Yes

☐

No

☐

Comment:

Subtidal Aquaculture with no structure proposed

Drawings of structures**Yes** ☐ **No** ☒

Comment:

No structures proposed

**Details of Proposed
Navigation Marking****Yes** ☐ **No** ☒

Comment:

Site Access Indicated**Yes** ☐ **No** ☒

Comment:

**Site Co-Ordinates
Indicated****Yes** ☐ **No** ☒

Comment:

Site Overlap**Yes** ☐ **No** ☒

Comment:

**Oyster Fishery Order
Overlap****Yes** ☐ **No** ☒

Comment:

The applicant has not submitted the above maps and drawings. However, as the application is for subtidal cultivation of mussels without structures, in my opinion, the drawings as not required.

Site Suitability Assessment

Site Location

The site is located at Outer Kinsale Harbour, County Cork. The site is west of the harbour entrance channel, between James's Fort and Money Point.

Proposed Site Layout and Site Management

The application is for the subtidal cultivation of mussels without the use of structures. Typically seed is relayed on the seabed and on-grown to market size. Harvesting of mussels from the site would be carried out by dredging.

The Port of Kinsale Harbour Master should be notified prior to dredging operations.

Land Based Facilities / Site Access

The subtidal area would be accessed by boat. The applicant should indicate the proposed site access route and also vessel unloading location following harvesting.

Navigation

The MSO should be consulted regarding providing a safe system of navigation for all marine users. The Port of Kinsale Harbour Master should be consulted regarding the proposed site.

Visual Impact

The relevant application is for the subtidal cultivation of mussels. There should be no visual impact due to this development. The operator should not install marker buoys / poles within the site.

Impact / Cumulative Impact

There are a number of oyster cultivation sites upstream of the relevant location, T05/530 A, B & C and T05/592. In my opinion, the cumulative impact is not significant.

There are fishing and significant marine leisure activities in the area.

The Kinsale wastewater treatment plant outfall is located upstream of the relevant site. Effluent discharged from the outfall should already be treated to a high standard as the Kinsale Designated Shellfish Area is also downstream of the outfall.

Marine Engineering Division has no objection to the licensing of this site subject to the above.

From: OShea, Gearoid [REDACTED]
Sent: Friday, April 23, 2021 2:31 PM
To: Fitzpatrick, Deirdre [REDACTED]
Cc: OKeefe, Therese [REDACTED]
Subject: RE: T05-472A proposed access route

Afternoon Deirdre,
Thanks for that.
I have no issue with the application proceeding to public consultation.
Regards,
Gearóid

From: Fitzpatrick, Deirdre
Sent: 23 April 2021 13:36
To: OShea, Gearoid; OKeefe, Therese
Cc: OKeefe, Therese
Subject: FW: T05-472A proposed access route
Gearóid

Further to the email below.
Sorry, meant to advise that the applicant also confirmed the following;
" The proposed vessel unloading location is Youghal and Dunmore East."
Regards
Deirdre

From: Fitzpatrick, Deirdre
Sent: 23 April 2021 13:31
To: OShea, Gearoid
Cc: OKeefe, Therese
Subject: T05-472A proposed access route
Gearóid

Your Med report of 25/01/19 refers (copy attached).
The applicant recently submitted a proposed access route(See attached) and I would appreciate your comments on same as soon as possible, as the Department has to go to Public Consultation again with this application.
Regards
Deirdre

Deirdre Fitzpatrick
EO, Aquaculture and Foreshore Management Division



Marine Survey Office
Leeson Lane,
Dublin 2,
D02 TR60,
Ireland
T +353 1 6707444
info@transport.gov.ie
www.gov.ie/transport

19/08/2021

Ref: Aquaculture License Application T05/472A.Woodstown Bay Shellfish, The Harbour, Dunmore East, Co. Waterford.

This office has no objections from a safety of navigation viewpoint to the above application.

- In order for charts and nautical publications to be updated the British Admiralty Hydrographic Office at Taunton ,UK, is to be informed of the location and nature of the site.

(Fax:0044 1823 284077), Email: sdr@ukho.gov.uk

- The applicant is required to apply to the Commissioners of Irish Lights (email: info@irishlights.ie) for sanction to establish any lights and marks that maybe required.

Yours Sincerely



Capt. Lawrence Kilbane.

Nautical Surveyor,
Marine Survey Office.

From: Nalty, Christopher

Sent: 20 February 2019 16:56

To: Foley, Tina

Subject: RE: Aquaculture Foreshore Application: Ref: T05 472 Woodstown Bay Shellfish Ltd - Kinsale Harbour, Co. Cork

Hi Tina

Please see below our comments on this application which are focussed on the following areas:

1. *Possible impacts, if any, on existing wild fisheries in the area, with an emphasis on the possible implications for the SFPA conducting official controls and possible non-compliance issues that could arise.*

There is an existing pot fishery in the proposed area, south of James Fort Block House which targets shrimp (PAL), lobsters (LBE), crabs (CRE, LIO) and Crayfish (VLO) which may be impacted on by the laying of mussel seed in the area. Also, crustacean storage keeps are moored in proximity to the area.

2. *Impacts, if any, on shellfish growing areas adjacent to or within the area and the possible impact on the ability of the SFPA to conduct official controls and possible non-compliance issues that could arise.*

The impacts on the existing oyster producing operations upriver are unknown.

3. *Possible impacts, if any, on seafood safety.*

The area is not currently classified for mussel production. (The Food Safety legislation under which a competent authority classifies production areas from which it authorises the harvesting of live bivalve molluscs is: Regulation (EC) 854/2004 ANNEX II Chapter 2 Para A.) The process of classification would take between 6 months to a year.

In addition there is extant a Compliance notice issued in 2013 by this Competent Authority under the European Communities (Food and Feed Hygiene) Regulations 2009 S.I. No. 432 of 2009 against the applicant for harvesting live bivalve molluscs from unclassified production areas. A RASSF (2013.0399-add01) was issued on 19/03/2013 for the unauthorised placing on market of mussels by the operator. Origin of harvesting was falsified on registration documents.

Regards,

Chris

Christopher Nalty

Sea-Fisheries Operations Manager

From: Nolan, Brian [REDACTED]
Sent: Thursday, April 15, 2021 4:39 PM
To: Phair, Ann [REDACTED] Fitzpatrick, Deirdre [REDACTED]
Cc: Nalty, Christopher [REDACTED] WallCoveney, Vanessa [REDACTED]
Subject: RE: Site T05 -472 - Kinsale Harbour

Ann/Deirdre,

The compliance notice issued to the applicant on 15 March 2013 under the European Communities (Food and Feed Hygiene) Regulations 2009 S.I. No. 432 of 2009 required the individual to:

- (1) Cease producing or harvesting live bivalve molluscs from unclassified production areas.
- (2) Cease producing or harvesting live bivalve molluscs from Youghal Harbour.
- (3) Cease harvesting of live bivalve molluscs from Shellfish Production areas that are not on an open biotoxin status.

The individual ceased harvesting Live Bivalve Molluscs from the area concerned namely Youghal Harbour. Youghal harbour remains unclassified for the commercial harvesting of mussels.

The RASFF (Rapid Alert System for Food and Feed) referred to in your email was issued due to the fact that following investigation into the above activities, Dutch Authorities confirmed to Irish Authorities that between the dates of 16 Jan 2013 and 25 Feb 2013, a company operated by the applicant supplied mussels to three Dutch companies stating that the origin of the mussels were from Waterford (a classified production area for mussels) when CMR (transportation documents) stated that the origin of the mussels was from the Creadan Lady (owned by the applicant) and caught in Youghal harbour an area unclassified for mussels.

I hope this helps.

Brian Nolan
Sea Fisheries Protection Authority HQ
Park Road,
Clogheen,
Clonakilty,
Co Cork

[REDACTED]
[REDACTED]
[REDACTED]

From: Phair, Ann
Sent: 15 April 2021 15:20
To: WallCoveney, Vanessa; Nolan, Brian
Cc: Nalty, Christopher
Subject: FW: Site T05 -472 - Kinsale Harbour

Hi Brian, Vanessa,

I was wondering if you could advice me on a query that came in today from AFMD regarding Woodstown Bay Shellfish Ltd., please see below.

Kind Regards
Ann

From: Fitzpatrick, Deirdre
Sent: 15 April 2021 14:43
To: DAFM, Queries
Cc: Phair, Ann; Nalty, Christopher
Subject: Site T05 -472 - Kinsale Harbour

I refer to the email below dated 20/02/2019.

I would appreciate if you would please forward an update on the Compliance Notice issued by the SFPA in 2013

Regards

Deirdre Fitzpatrick

EO, Aquaculture and Foreshore Management Division

An Roinn Talmhaíochta, Bia agus Mara

Department of Agriculture, Food and the Marine

National Seafood Centre, Clogheen, Clonakilty, Co. Cork, P85 TX47

An Lárionad Bia Mara Náisiúnta, An Cloichín, Cloich na Coillte, Corcaigh, P85 TX47


www.agriculture.gov.ie

From: Nalty, Christopher
Sent: 20 February 2019 16:56
To: Foley, Tina
Subject: RE: Aquaculture Foreshore Application: Ref: T05 472 Woodstown Bay Shellfish Ltd - Kinsale Harbour, Co. Cork

Hi Tina

Please see below our comments on this application which are focussed on the following areas:

1. *Possible impacts, if any, on existing wild fisheries in the area, with an emphasis on the possible implications for the SFPA conducting official controls and possible non-compliance issues that could arise.*

There is an existing pot fishery in the proposed area, south of James Fort Block House which targets shrimp (PAL), lobsters (LBE), crabs (CRE, LIO) and Crayfish (VLO) which may be impacted on by the laying of mussel seed in the area. Also, crustacean storage keeps are moored in proximity to the area.

2. *Impacts, if any, on shellfish growing areas adjacent to or within the area and the possible impact on the ability of the SFPA to conduct official controls and possible non-compliance issues that could arise.*

The impacts on the existing oyster producing operations upriver are unknown.

3. *Possible impacts, if any, on seafood safety.*

The area is not currently classified for mussel production. (The Food Safety legislation under which a competent authority classifies production areas from which it authorises the harvesting of live bivalve molluscs is: Regulation (EC) 854/2004 ANNEX II Chapter 2 Para A.) The process of classification would take between 6 months to a year.

In addition there is extant a Compliance notice issued in 2013 by this Competent Authority under the European Communities (Food and Feed Hygiene) Regulations 2009 S.I. No. 432 of 2009 against the applicant for harvesting live bivalve molluscs from unclassified production areas. A RASSF (2013.0399-add01) was issued on 19/03/2013 for the unauthorised placing on market of mussels by the operator. Origin of harvesting was falsified on registration documents.

From: Nolan, Brian [REDACTED]
Sent: Friday, March 21, 2025 11:54 AM
To: Barry, Karen [REDACTED]
Subject: RE: Aquaculture Foreshore Application: Ref: T05 472 - Kinsale Harbour, Co. Cork

Karen,

SFPA's observations on Aquaculture Foreshore Application: Ref: T05 472 - Kinsale Harbour, Co. Cork remain current and valid.

The Food safety legislation under which SFPA Classify Live Bivalve Mollusc production areas, Regulation (EC) 854/2004 ANNEX II, has been replaced by Commission Implementing Regulation (EU) 2019/627.

1. *Possible impacts, if any, on existing wild fisheries in the area, with an emphasis on the possible implications for the SFPA conducting official controls and possible non-compliance issues that could arise.*

There is an existing pot fishery in the proposed area, south of James Fort Block House which targets shrimp (PAL), lobsters (LBE), crabs (CRE, LIO) and Crayfish (VLO) which may be impacted on by the laying of mussel seed in the area. Also, crustacean storage keeps are moored in proximity to the area.

2. *Impacts, if any, on shellfish growing areas adjacent to or within the area and the possible impact on the ability of the SFPA to conduct official controls and possible non-compliance issues that could arise.*

The impacts on the existing oyster producing operations upriver are unknown.

3. *Possible impacts, if any, on seafood safety.*

The area is not currently classified for mussel production. The Food Safety legislation under which a competent authority classifies production areas from which it authorises the harvesting of live bivalve molluscs is Commission Implementing Regulation (EU) 2019/627 Article 52.

Article 56 of the same regulation obligates the competent authority to conduct a sanitary survey before classifying a production area. A sanitary survey process takes some 6 months to complete, and I understand that SFPA are working through a schedule of such sanitary surveys of existing production areas. Once a sanitary survey is completed, the classification process would take an additional minimum of six months to complete.

Regards,

Brian Nolan
SFPA Clonakilty Port Ops
Park Road,
Clogheen,
Clonakilty,
Co Cork

[REDACTED]
[REDACTED]
[REDACTED]

An t-Údarás um Chosaint Iascaigh Mhara, Clogheen, Cloich na Coillte, Co. Chorcaí
Head Office, National Seafood Centre, Park Road, Clogheen, Clonakilty, Co. Cork
Eircode: P85TX47

www.sfpa.ie

From: Barry, Karen [REDACTED]
Sent: Friday 21 March 2025 11:06
To: Nolan, Brian [REDACTED]
Subject: FW: Aquaculture Foreshore Application: Ref: T05 472 - Kinsale Harbour, Co. Cork

Brian,

As discussed.

Kind regards,
Karen

From: Foley, Tina [REDACTED]
Sent: Thursday, February 21, 2019 2:44 PM
To: McCarthy, Ann [REDACTED]
Cc: DAFM Queries [REDACTED]
Subject: Aquaculture Foreshore Application: Ref: T05 472 - Kinsale Harbour, Co. Cork

Hi Ann,

Please find attached response received from Clonakilty Port in respect of the above application as requested.

Kind regards
Tina

Tina Foley
Clerical Officer
Food & Fisheries Support Unit

[REDACTED]
[REDACTED]

An t-Údarás um Chosaint Iascaigh Mhara, Clogheen, Cloich na Coillte, Co. Chorcaí
Head Office, National Seafood Centre, Park Road, Clogheen, Clonakilty, Co. Cork
Eircode: P85TX47

www.sfpa.ie

From: Nalty, Christopher
Sent: 20 February 2019 16:56
To: Foley, Tina

Subject: RE: Aquaculture Foreshore Application: Ref: T05 472 Woodstown Bay Shellfish Ltd - Kinsale Harbour, Co. Cork

Hi Tina

Please see below our comments on this application which are focussed on the following areas:

1. *Possible impacts, if any, on existing wild fisheries in the area, with an emphasis on the possible implications for the SFPA conducting official controls and possible non-compliance issues that could arise.*

There is an existing pot fishery in the proposed area, south of James Fort Block House which targets shrimp (PAL), lobsters (LBE), crabs (CRE, LIO) and Crayfish (VLO) which may be impacted on by the laying of mussel seed in the area. Also, crustacean storage keeps are moored in proximity to the area.

2. *Impacts, if any, on shellfish growing areas adjacent to or within the area and the possible impact on the ability of the SFPA to conduct official controls and possible non-compliance issues that could arise.*

The impacts on the existing oyster producing operations upriver are unknown.

3. *Possible impacts, if any, on seafood safety.*

The area is not currently classified for mussel production. (The Food Safety legislation under which a competent authority classifies production areas from which it authorises the harvesting of live bivalve molluscs is: Regulation (EC) 854/2004 ANNEX II Chapter 2 Para A.) The process of classification would take between 6 months to a year.

In addition there is extant a Compliance notice issued in 2013 by this Competent Authority under the European Communities (Food and Feed Hygiene) Regulations 2009 S.I. No. 432 of 2009 against the applicant for harvesting live bivalve molluscs from unclassified production areas. A RASSF (2013.0399-add01) was issued on 19/03/2013 for the unauthorised placing on market of mussels by the operator. Origin of harvesting was falsified on registration documents.

Regards,

Chris

Christopher Nalty
Sea-Fisheries Operations Manager

[REDACTED]
[REDACTED]
[REDACTED]

Ceannoifig, UCIM, Ionad Náisiúnta Bia Mara, Bóthar na Páirce, Clogheen, Cloich na Coillte, Co.
Chorcaí, Éire
Head Office, SFPA, National Seafood Centre, Park Road, Clogheen, Clonakilty, Co. Cork, Ireland.
Eircode: P85TX47
www.sfpa.ie



Rinville,
Oranmore,
Co. Galway
Tel: 091 387200

Date: 20 February 2019

Ann McCarthy
Aquaculture and Foreshore Management Division
Department of Agriculture, Food and the Marine
Clogheen,
Clonakilty
Co. Cork.

Advice on Aquaculture Licence Application

Applicant	Woodstown Bay Shellfish Ltd
Application type	New
Site Reference No	T05/472A
Species	Mussels (<i>Mytilus edulis</i>) – on the seabed ,
Site Status	Not located within a Natura 2000 site Not located within a designated Shellfish Growing Waters Area

Dear Ann

This is an application for an aquaculture licence for the production of mussels (*Mytilus edulis*) on the seabed at Site T05/472A on the foreshore in Kinsale Harbour, Co. Cork. The area of foreshore at Site T05/472A is 23.1626 Ha

Site T05/472A is not located within a designated Shellfish Growing Waters Area. It is recommended that the implications of licencing sites that are not located within a designated Shellfish Growing Waters Area should be fully considered by DAFM as part of the licence determination process.

Mussels in Kinsale Harbour are not currently classified under Annex II of EU Regulation 854/2004.

No chemicals or hazardous substances will be used during the production process.

Considering the location, nature and scale of the proposed aquaculture activity, and in deference to our remit under the Marine Institute Act, and the considerations implicit to Sections 61(e and f) of the Fisheries (Amendment) Act, 1997 the Marine Institute is of the view that there will be no significant impacts on the marine environment and that the quality status of the area will not be adversely impacted.

Site T05/472A is not located within a designated Natura 2000 site and, as set out in the AA Screening Report for Kinsale Harbour ¹ the Marine Institute is of the view that significant impacts on any adjacent Natura 2000 are not likely.

In order to be able to assess and manage the potential risk of the introduction of invasive non-native species the MI recommends that the initial source of seed and other sources which may be used at any point in the future should be approved by the Minister. This approval should be a specific condition of any licence that may issue. It should be noted that the control of alien species is a separate issue to the control of diseases in the context of the current Fish Health legislation.

Notwithstanding the recommendation outlined above, and in the event that an Aquaculture Licence is granted, the movement of stock in and out of the site should follow best practice guidelines as they relate to the risk of introduction of invasive non-native species (e.g. [Invasive Species Ireland](https://www.agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/appropriateassessments/cork/KinsaleHarbourNaturaScreeningforAquaculture280119.pdf)). In this regard it is recommended that, prior to the commencement of operations at the sites, the applicant be required to draw up a contingency plan, for the approval of

¹

<https://www.agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/appropriateassessments/cork/KinsaleHarbourNaturaScreeningforAquaculture280119.pdf>

DAFM, which shall identify, *inter alia*, methods for the removal from the environment of any invasive non-native species introduced as a result of operations at this site. If such an event occurs, the contingency plan shall be implemented immediately.

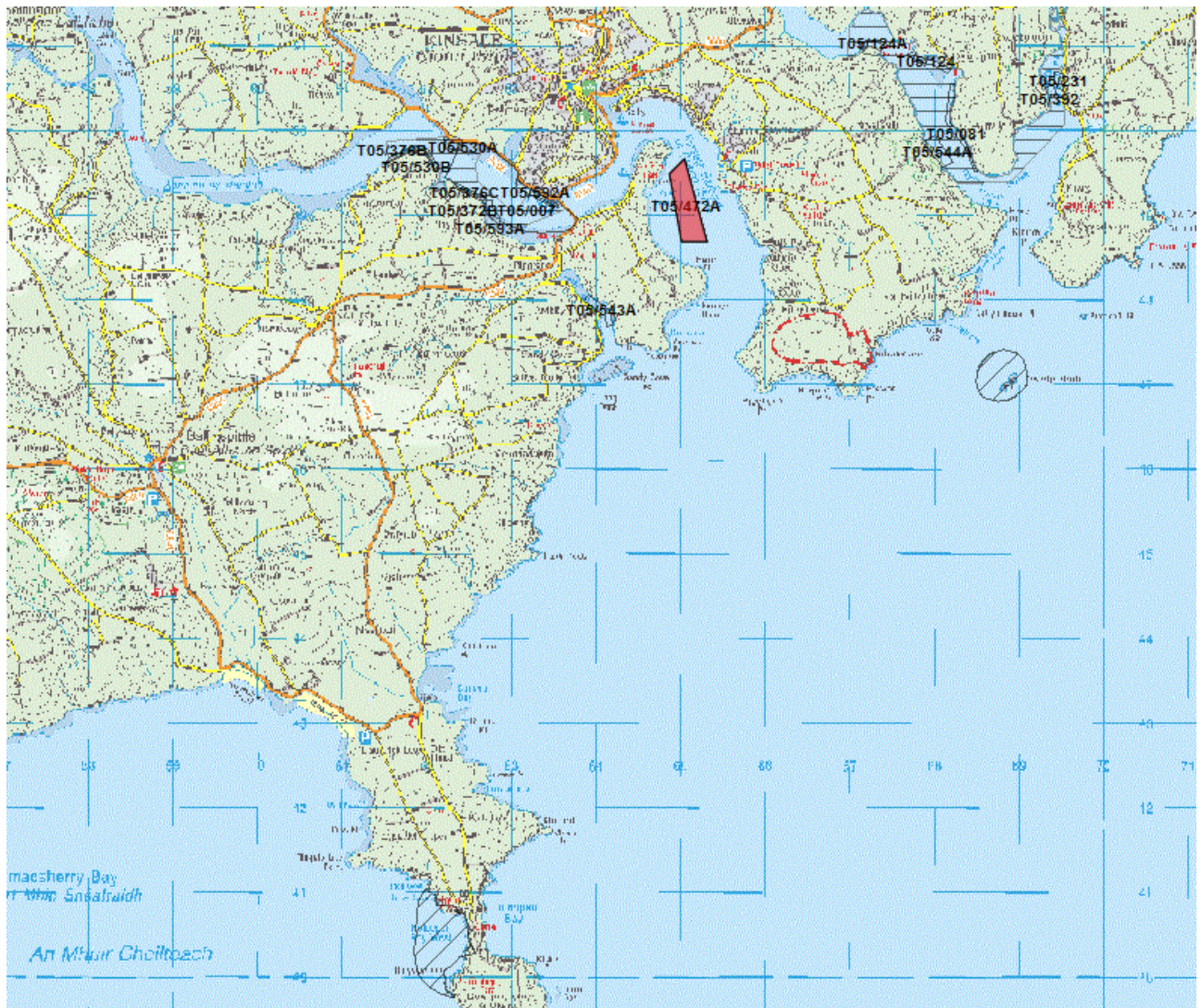
In the event that invasive non-native species are introduced into a site as a result of aquaculture activity the impacts may be bay -wide and thus affect other aquaculture operators in the bay. In this regard, therefore, the Marine Institute considers that the CLAMS process may be a useful and appropriate vehicle for the development and implementation of alien species management and control plans.

It is statutory requirement that a Fish Health Authorisation as required under Council Directive 2006/88/EC be in place prior to the commencement of the aquaculture activities proposed.

Kind regards,

A handwritten signature in dark ink, appearing to read 'Terry McMahon', written over a horizontal line.

Dr. Terry McMahon
Section Manager, Marine Environment and Food Safety Services,
The Marine Institute.



☒ Shellfish Waters Directive Area



☒ Aquaculture Site



☒ Special Area of Conservation



☒ Special Protection Areas





Commissioners of
IRISH LIGHTS

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Ms. Ann McCarthy
Aquaculture and Foreshore Management Division
Dept. of Agriculture Food & the Marine
National Seafood Centre
Clonakilty
Co. Cork

Your Reference: T05/472

Our Reference: LA0008.0090

Date: 30/01/2019

LL: LA0008.0090

Applicant: Woodstown Bay Shellfish Ltd

Site: Kinsale Harbour, Co. Cork

Dear Ms. McCarthy,

Thank you for your letter advising us of this application. Based on the information supplied, there appears to be no objection to the development. The nature of bottom cultivation would generally indicate that there is no navigational hazard, it is important to ensure that no navigable inter-tidal channels or the nearby slip/pier are impeded by the development.

If a licence is granted we would request that you include the following terms in the licence.

- That there are no obstructions of any kind above the seabed.
- That there are no moorings or marker buoys to be placed on the site.
- The observations made by the Nautical Surveyor regarding anchoring and the rules for surface navigation should be clearly noted.

It is recommended that local fishing and leisure interests be consulted prior to a decision being made.

Furthermore, if a licence is granted the UK Hydrographic Office at Taunton must be informed of the development's geographical position in order to update nautical charts and other nautical publications.

Yours sincerely,

Neil Askew
for Director of Operations and Navigation

cc Capt. T. O'Callaghan, Dept. of Transport Tourism & Sport, Marine Survey Office

From: Alan Costello [REDACTED]

Sent: Friday, February 1, 2019 11:59 AM

To: McCarthy, Ann [REDACTED]

Cc: Ted O'Leary (Inniscarra) [REDACTED] Sylvain Robin

[REDACTED] Sarah Blake [REDACTED]

Subject: Woodstown Bay Shellfish Ltd. Kinsale Harbour, Co. Cork - T05/472 - Aquaculture Licence Application Received by DAFM

Woodstown Bay Shellfish Ltd. Kinsale Harbour, Co. Cork - T05/472

Hello Ann,

Email thread refers.

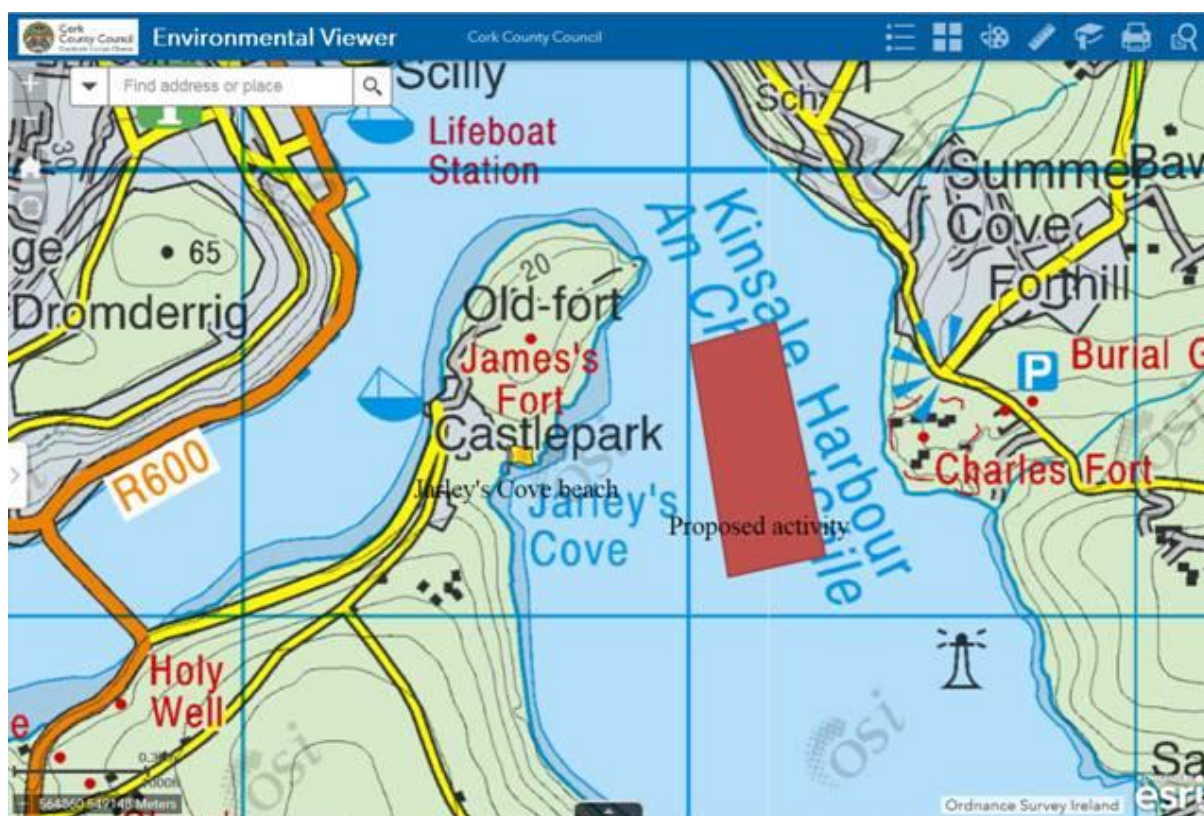
No details have been provided with regard to the land location from which the applicant proposes to service/operate the proposed activity.

It should be noted there is a popular bathing area at 'Jarleys Cove' beach, west of the proposed site (see below).

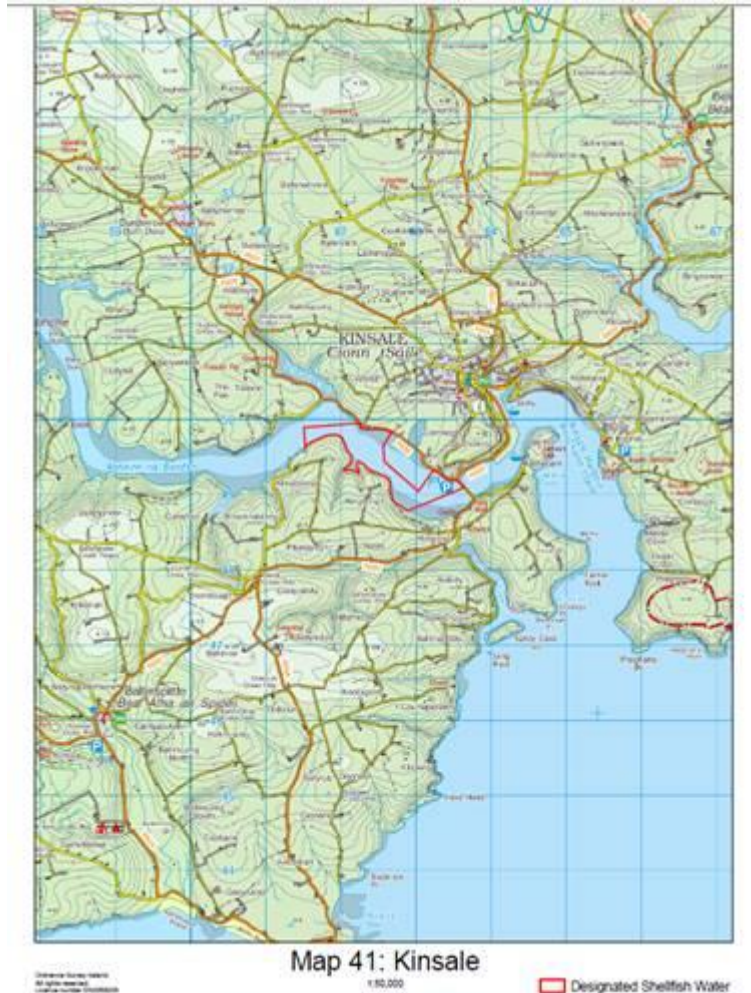
While not having statutory designated bathing waters protection, it is a popular bathing amenity, with limited infrastructure.

Cork County Council has concerns that this area *may* be used to service/operate the proposed development.

Cork County Council requests that the applicant (via the Aquaculture Licensing Authority), submits details of where they propose to service/operate the proposed aquaculture activity from.



Section XV pg. 7 of the Application states the site is within designated shellfish waters. However, it is our understanding the site is *outside* the currently designated Kinsale Shellfish Area per Map No. 41. Whether this has implications for the proposed activity is a matter for the DAFM, but it should be clarified in the application.



Should you have any queries, please dont hesitate to contact me.

kind regards,
Alan Costello

Senior Executive Scientist
Air & Wastewater Laboratory
Environment Directorate
Inniscarra
Co. Cork.
P31X738

Comhairle Contae Chorcaí Cork County Council

Calafort Chionn tSáile, Oifig Mháistir an
Chuain, An Príomh Piara,
Cionn tSáile, Co. Chorcaí, Éire.
Fón: +353 21 477 25 03
kinsale.harbour@corkcoco.ie

Port of Kinsale, Harbour Master's Office
Main Pier, Kinsale, Co. Cork, Ireland.
Tel: +353 21 477 2503 ·
kinsale.harbour@corkcoco.ie



Ann McCarthy
Aquaculture and Foreshore Management Division
National Seafood Centre
Clonakilty
Co. Cork P85 TX47

08th March 2019

***Re: Application for an Aquaculture Licence for a site in Kinsale Harbour, co. Cork – Woodstown
Bay Shellfish - T05/472.***

Dear Ann McCarthy,

Please find below list of observations from Cork County Council in relation to the application for an Aquaculture Licence for a site in Kinsale Harbour, co. Cork, ref. T05/472.

1. Designated Shellfish Waters

While aquaculture activities are to be generally welcomed, DAFM should confirm that the area outlined in the application is located within Designated Shellfish Waters as claimed on Pg. 7 of the Application (our records show otherwise) , which states the site *is* within designated shellfish waters. The Applicant should supply relevant S.I. supporting documents. (See figure 1 below)

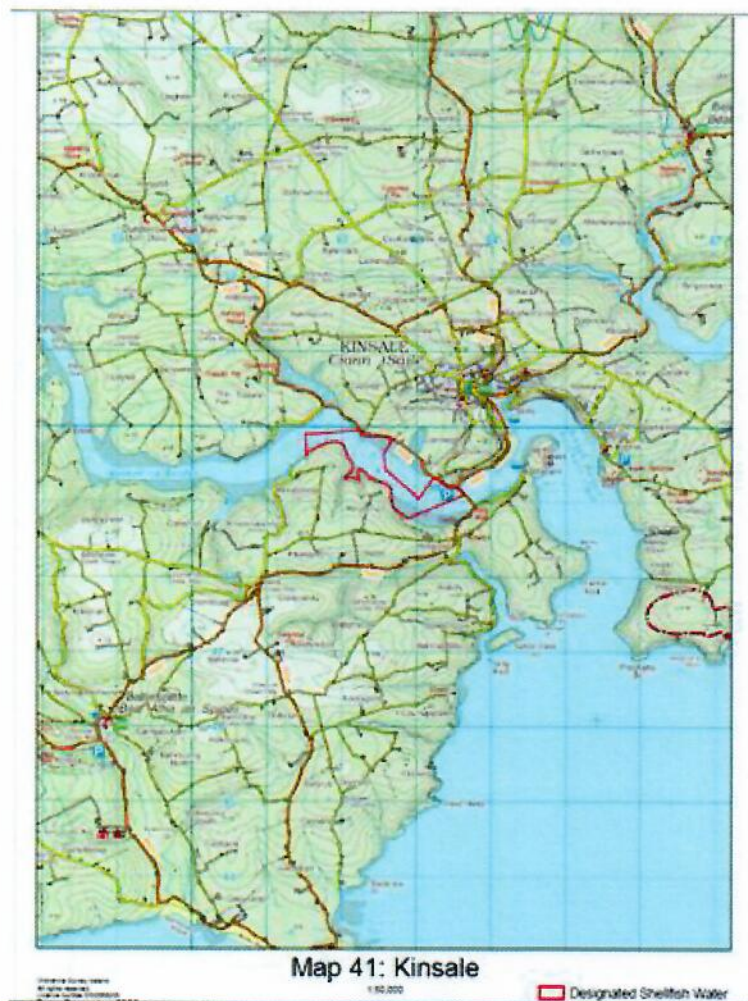


Figure 1: Current delineation of shellfish waters in Kinsale.

From European Communities (Quality of Shellfish Waters) (Amendment) Regulations 2009.

2. Operating Agreement

To this day Cork County Council, as the Port Authority for Kinsale Harbour, has not received communication from the applicant in relation to proposed port operations linked with the commercial exploitation of the proposed site. With a view to issuing an annual Operating Agreement and prior to giving permission for vessels to enter the harbour, CCC will need the applicant to submit details of their operating plan. This shall include, but shall not be limited to:

- 2.1 Vessel details, including: copy of relevant licences, proof of insurance, GMP, crew list, owner and skipper 24h contact details and all other pre-arrival documents
- 2.2 Detailed description and frequency of seeding/ dredging operations including, if relevant, tidal, weather and day time / night time restrictions.

2.3 Berthing, landing and other ports services requirements.

2.4 Description of any land based activities taking place in the Kinsale area but outside the remit of port's piers, slipways and other facilities.

3. Fees

Harbour Dues, waste charges, water charges, landing fees and aquaculture site fees may apply to the proposed operations. This will be specified in the Operating Agreement.

4. Bathymetric surveys

In order to monitor potential depths variations due to dredging operations and/or uncontrolled growth of shellfish, CCC would require annual bathymetric surveys of the harbour.

It should be noted there is a mid channel bar to the east of the proposed site, at the widest point of the outer harbour, that restricts navigation. The applicant should demonstrate that there will be no adverse effect on shipping from increased sedimentation at this point.

5. Water quality

In order to monitor the impact on other fisheries (oysters, crabs, lobsters, shrimps, demersal etc.) and other harbour activities (angling, swimming, recreational boating, etc.,) CCC would require regular water quality surveys of the Harbour.

Although Kinsale WWTP was opened in 2011, current classification of this Transitional water body (2012-2015) is "Moderate" and "At Risk" of not achieving Water Framework objectives for this water body. The body was 'Eutrophic' in 2010 to 2012. While there may be an upward positive trend in water quality, there may be a reduction in the 'carrying capacity' of the water body to sustain additional aquaculture activities, without adversely affecting existing aquaculture activities. (See figure 2 below)

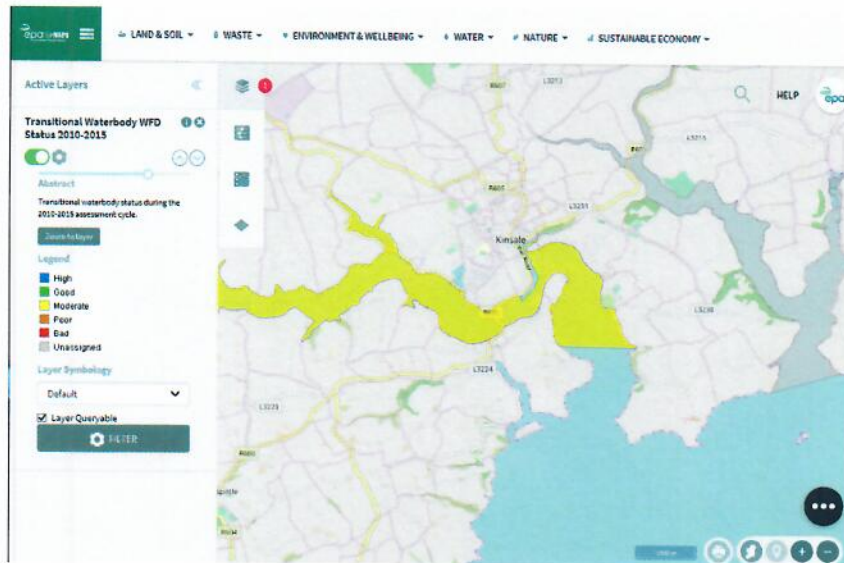


Figure 2: Current classification (from www.epa.ie)

6. Archaeological survey

Considering the history of the area and prior to initial seeding/ dredging, CCC would require an archaeological survey of the proposed site.

7. Safety of navigation in the Harbour

- In order to avoid involuntary dissemination and or contamination of the seeded shellfish, the proposed site would have to be designated as a “no anchoring”, “avoid grounding” and “no fishing or pots” area.
- This area should be marked with lit special marks positioned at an interval no greater than 1 cable.
- In the interest of navigation safety, at the south east and north east corners of the site, markers should consist of lit port hand lateral marks similar in size to the current “Spur” mark.
- As a consequence of the the narrowing of the channel caused by the above marking of the proposed site, the dangers on the eastern shore of the channel would have to be marked by at least no. 3 lit starboard hand markers similar in size to the current “Spur” mark. They would have to be located directly opposite the above mentioned no. 3 port hand marks.
- The applicant would have to provide CCC with the above marks and cover regular maintenance and insurance costs. All markers would have to receive statutory sanctions from the Commissioners of Irish Lights.
- In the event of an emergency the proposed site and adjacent beach may be used for the safe “beaching” of vessels. The Operation Agreement would have to stipulate that

neither the Port Authority nor the master or owner of the vessel using this safe beaching area may be liable for damaged caused to shellfish or equipment.

8. Jarley's Cove Beach Amenity

It should be noted by the Licensing Authority that there is a popular beach amenity in close proximity to the proposed site. Cork County Council has concerns there may be an adverse effect on the amenity littoral zone, arising from increased deposition of fine sediment, including pseudofaeces, from the mussel beds. This may result in the beach assuming an unpleasant appearance with malodours, particular during dredging operations. Although currently not statutorily designated bathing water, it is hoped to enhance this beach amenity.

This beach is also a popular site for kayakers and triathalons, the intensification of the use of marker bouys and moorings may adversely affect this activity.

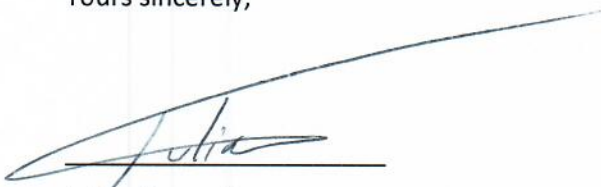
9. Environmental Impact Statement

Having regard to the aforementioned:

- Water designation
- Deficiencies in details of the proposed operation of the activity
- potential impact on tourism and marine leisure
- archaeology and history of the site
- potential visual impact from markers/buoys to provide safe navigation
- impact on Harbour safety management issues
- risk to the adjacent beach amenity
- water quality and carrying capacity

it is the view of Cork County Council Harbour Masters Section, that that the application would greatly benefit from a screening assessment to determine whether the application should be subject to an Environmental Impact Statement, or comfort should be provided by a Ministerial Declaration under Article 5 of the Aquaculture (Licence Application) Regulations, 1998. S.I. No. 236/1998, that an EIS is not required.

Yours sincerely,



Julian Renault

Máistir Cuain Sinsearach | Snr Harbour Master
Comhairle Contae Chorcaí | Cork County Council

From: OShea, Gearoid [REDACTED]
Sent: Tuesday 17 December 2024 15:18
To: Barry, Karen [REDACTED]
Subject: RE: T05/472

Afternoon,

Please see comments below regarding the submission by the Harbour Master.

Shellfish Designated Waters

The application is outside shellfish designated waters.

Operating Agreement & Fees

The applicant should contact the Port Authority of Kinsale regarding entering into an operating agreement.

Bathymetric Surveys

The operator should carry out regular bathymetric surveys of the harbour as requested by Cork County Council.

Water Quality

I have no issue with the requested regular water quality surveys as long as they're not too onerous on the operator.

Archaeology

Yes, this seems reasonable.

Safety of Navigation in the Harbour & Potential Visual Impacts from Marker Buoys

Installing navigation marks would increase the visual impact. I believe navigation marks are not required for the site.

Yes, safe 'beaching' of vessels should be permitted within the site.

Jarley's Cove Beach Amenity

The dredging operations could be restricted to outside the summer months. This would avoid any potential future bathing water designations and the busy season for tourists and visiting yachts.

Environmental Impact Statement

I believe an EIS is not required.

Regards,

Gearóid

From: O'Keeffe, Therese [REDACTED]
Sent: Friday, June 18, 2021 11:39 AM
To: OShea, Gearoid [REDACTED]
Cc: Fitzpatrick, Deirdre [REDACTED]
Subject: T05/472

Hi Gearoid,

Please see attached submission from the Kinsale Harbour Master.
I would appreciate your comments on the attached letter.

Regards,

Therese O'Keeffe

*Ardoifigeach Feidhmiúcháin, Bainistiú Dobharshaothraithe agus Cladaigh
HEO, Aquaculture and Foreshore Management Division*

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

From: Melissa Lynch [REDACTED]
Sent: Friday, November 29, 2024 12:04 PM
To: ORegan, Philip [REDACTED]
Cc: Barry, Karen [REDACTED] Operations [REDACTED]
Subject: RE: Observations pertaining to aquaculture Licence application - site ref. T05-472A (Woodstown Bay Shellfish Ltd.) in Kinsale Harbour

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Good Afternoon Philip,

Apologies for the delay on this response. Please see below our comments:

Due to the absence of any seabed obstruction to vessels, Irish Lights does not consider the site to be a risk from a safety of navigation perspective. The concerns expressed by the local HM appear to relate to a reported proliferation of mussel growth outside of the site itself.

Kind Regards,
Melissa

Melissa Lynch
Navigation Support Officer

.....

[REDACTED]
Commissioners of Irish Lights
Harbour Road, Dun Laoghaire, Co. Dublin, Ireland
A96 H500

From: ORegan, Philip
Sent: Wednesday, October 16, 2024 1:16 PM
To: 'Operations' [REDACTED]
Cc: Barry, Karen [REDACTED]
Subject: RE: Observations pertaining to aquaculture Licence application - site ref. T05-472A (Woodstown Bay Shellfish Ltd.) in Kinsale Harbour

To Whom It May Concern,

We are currently progressing an application for an Aquaculture Licence for Woodstown Bay Shellfish Ltd, site reference T05-472A in Kinsale Harbour and are writing to you on foot of observations received from the Senior Harbour Master.

Below are the observations received on the safety of navigation in the Harbour:

- In order to avoid involuntary dissemination and or contamination of the seeded shellfish, the proposed site would have to be designated as a “no anchoring”, “avoid grounding” and “no fishing pots” area.

- This area should be marked with lit special marks positioned at an interval no greater than 1 cable.
- In the interest of navigation safety, at the south east and north east corners of the site, markers should consist of lit port hand lateral marks similar in size to the current “Spur” mark.
- As a consequence of the narrowing of the channel caused by the above marking of the proposed site, the dangers on the eastern shore of the channel would have to be marked by at least no. 3 lit starboard hand markers similar in size to the current “Spur” mark. They would have to be located directly opposite the above mentioned no. 3 port hand marks.
- The applicant would have to provide CCC with the above markers and cover regular maintenance and insurance costs. All markers would have to receive statutory sanctions from the Commissioners of Irish Lights.

I am attaching for ease of reference CIL’s comments on this application dated the 30th January 2019, these comments suggest that CIL would not be in favour of marking the site. We would appreciate if CIL could review the above comments from the office of the Senior Harbour Master and provide observations on same, please.

Kind regards,

Philip O'Regan

EO, Aquaculture and Foreshore Management Division

An Roinn Talmhaíochta, Bia agus Mara

Department of Agriculture, Food and the Marine

National Seafood Centre, Clogheen, Clonakilty, Co. Cork, P85 TX47

An Lárionad Bia Mara Náisiúnta, An Cloichín, Cloich na Coillte, Corcaigh, P85 TX47

Department of Agriculture, Food and Marine
Aquaculture & Foreshore Management Division
Clonakilty
Co. Cork
P85 TX47

5th March 2019

Re: Aquaculture Licence Application for a site in Kinsale Harbour, Co. Cork – Woodstown Bay Shellfish Ltd, Ref T05/472A

A Chara,

I refer to the above-named Aquaculture Licence application at Kinsale Harbour. Fáilte Ireland have reviewed the proposed development to determine the potential impacts on tourism amenities.

It is the policy of Fáilte Ireland to support the sustainable development of the aquaculture sector and support its contribution to the economy in the region at appropriate locations and in accordance with proper planning and sustainable development. Kinsale is a well-established tourism destination along the Wild Atlantic Way. With this in mind it is important that tourism is considered when identifying the potential receptors that may be affected by an aquaculture development.


Having regard to the location and scale of the proposed development, it is considered that the proposed development has the potential to impact on the surrounding environment. The 25-hectare mussel farm development is situated in an area which attracts tourist's due to its scenic setting and variety of tourism activities. Many people visit the area to enjoy its unspoilt views, pristine waters and shoreline. The proposal may also result in negative impacts on a range of tourism activities including, fishing, boating, swimming and sailing events.

We therefore respectfully request that you review the aquaculture licence application carefully for the following reasons:

- Implications for other marine users of the harbour and Dock Beach
- Impact on activity tourism, recreation and sailing events within Kinsale Harbour
- Establishment of precedent for existing and future development of a similar nature and scale

Should you have any queries on this please do not hesitate to contact me.

Is mise le meas,



Environment & Planning Manager, Fáilte Ireland

From: OShea, Gearoid [REDACTED]
Sent: Wednesday 26 February 2025 10:03
To: Naughton, Maria [REDACTED]
Subject: RE: T05-472 Kinsale Harbour

Maria,

The proposed aquaculture will be located on the seabed and off the navigation channel. I believe the impact on tourism in the area will not be significant.

Regards,

Gearoid

From: Naughton, Maria [REDACTED]
Sent: 25 February 2025 14:33
To: OShea, Gearoid [REDACTED]
Cc: Barry, Karen [REDACTED]
Subject: T05-472 Kinsale Harbour

Hi Gearoid

Please see attached Failte Ireland submission for T05-472 application in Kinsale Harbour.

Have you any observations to make on this.

Regards
Maria

Maria Naughton
EO, Aquaculture and Foreshore Management Division

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

National Seafood Centre, Clogheen, Clonakilty, Co. Cork, P845 TX47
An Lárionad Bia Mara Náisiúnta, An Cloichín, Cloich na Coillte, Corcaigh, P85 TX47

[REDACTED]
www.agriculture.gov.ie

From: Foreshore EPA Marine [REDACTED]
Sent: Tuesday, March 12, 2019 4:19 PM
To: Aquaculturelicensing <Aquaculturelicensing@agriculture.gov.ie>
Subject: T05/472

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RE: T05/472 by Woodstown Bay Shellfish for an Aquaculture Licence by Woodstown Bay Shellfish Ltd. for a site in Kinsale Harbour, Co. Cork.

A chara,

Please find the underwater archaeology recommendations of the Department of Culture, Heritage, and the Gaeltacht for the above mentioned application.

It is noted that the proposed aquaculture site is located in an area of high underwater archaeological potential. The Wreck Inventory of Ireland Database lists numerous wrecks for this part of Kinsale Harbour, which are subject to statutory protection under section 3 of the 1987 National Monuments (Amendment) Act. Given the location of the proposed site and the nature of the works it is possible that underwater archaeology may be impacted by the aquaculture operations. It is therefore recommended that an Underwater Archaeological Impact Assessment, as described below, shall be undertaken to assess the impact of the development on known or potential archaeology prior to any works proceeding at the site.

The statement should be submitted as further information. This will enable this Department to formulate an informed archaeological recommendation before a decision on the aquaculture licence is taken.

It should be borne in mind, that if significant archaeological remains are found, refusal might still be recommended, and/or further monitoring or excavation required.

Underwater Archaeological Impact Assessment shall be compiled as follows;

1. The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the potential impacts of the development/proposed works.
2. The assessment shall comprise of a detailed desktop study, with the archaeologist carrying out any relevant documentary research including consulting with the Wreck Inventory of Ireland, the Record of Monuments and Places all of which are held by this Department. The Topographical Files held by the National Museum of Ireland should also be consulted. The assessment should also include a detailed archaeological impact statement including a detailed description of the proposed works and the impact they will have on known and/or potential archaeology.
3. The archaeologist shall carry out a geophysical survey (sidescan and magnetometer) of all areas to be impacted and dive survey of a representative sample of the area to that may be impacted both directly and indirectly by the proposed works. The dive survey shall be accompanied by a hand held metal detection survey and the area to be covered shall be agreed with the NMS in advance of the surveys taking place.

4. The dive and metal detection surveys should be carried out under licence granted under sections 2 & 3 of the National Monuments Act 1987. It is advised that all diving be undertaken in accordance to the Rules and Regulations as specified by the Health and Safety Authority's Safety in Industry (Diving Operations) Regulations 1981, SI 422.
5. Having completed the work, the archaeologist shall submit a written report to this Department for review.
6. Where archaeological material/features are shown to be present, preservation *in situ*, avoidance, preservation by record (archaeological excavation) or archaeological monitoring may be required. The applicant shall be prepared to be advised by the Department of Culture, Heritage and the Gaeltacht in this regard.

If any clarification is required on any of the above do not hesitate to contact the National Monument Service. An officer from that office would also be available to meet to discuss the above.

It should be borne in mind, that if significant archaeological remains are found, further archaeological mitigation might be required.

Mise le meas,

Connor Rooney
Executive Officer

—

An Roinn Cultúir, Oidhreachta agus Gaeltachta
Department of Culture, Heritage and the Gaeltacht

Aonad na nIarratas ar Fhorbairt
Development Applications Unit

Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90
Newtown Road, Wexford, County Wexford, Y35 AP90

From: Housing Fem Dau [REDACTED]
Sent: Tuesday, June 25, 2024 1:36 PM
To: ORegan, Philip [REDACTED]
Subject: T05/472: Aquaculture Licence Application in relation to a site in Kinsale Harbour, Co. Cork
T05/472: Aquaculture Licence Application in relation to a site in Kinsale Harbour, Co. Cork

A Chara

The Department of Housing, Local Government and Heritage refer to consultation in relation to the above proposed aquaculture licence application. The Department note that the submitted updated Underwater Archaeological Impact Assessment report (Mizen Archaeology February 2024; 22R0407) demonstrates that the proposed aquaculture site is located in an area of high underwater archaeological potential. The Wreck Inventory of Ireland Database lists numerous wrecks for this part of Kinsale Harbour, which are subject to statutory protection under section 3 of the 1987 National Monuments (Amendment) Act. The Department acknowledges the findings of the assessment and broadly concurs with the recommendation for no further mitigation. Accordingly, the Department recommend the following condition be attached to any aquaculture licence that may issue from the Department of Agriculture, Food and the Marine.

Archaeological Recommendations:

1. In order to mitigate the risk of damage to any previously unrecorded archaeological remains a Protocol for Archaeological Discoveries (PAD) shall be prepared to mitigate impacts in the event of any unexpected archaeological discoveries during aquaculture works. This protocol will also include appropriate archaeological briefings for all personnel involved in the activities associated with the proposed scope of works. The PAD shall be agreed in advance of the commencement of any aquaculture works with the National Monuments Service of the Department of Housing, Local Government and Heritage.

If any clarification is required on any of the above do not hesitate to contact this Department. An officer would also be available to meet to discuss the above.

Warm regards,

Amy Thornton
Clerical Officer

An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta
Department of Housing, Local Government and Heritage
Aonad na nIarratas ar Fhorbairt
Development Applications Unit

Oifigí an Rialtais, Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman Y35 AP90
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Department of Agriculture, Food & the Marine,
Aquaculture and Foreshore Management Division,
National Seafood Centre,
Clonakilty,
Co. Cork

[05/03/2019]

Submission pursuant to the provisions of Article 5 (2) of Directive 2011/92/EU

To Whom It May Concern:

Thank you for referring this notification to An Taisce in accordance with Section 10 of the Aquaculture (Licence Application) Regulations, 1998 (SI No 236 of 1998).

An Taisce has reviewed the application T05/472A and would like to make the following submission in relation to this application.

1. Cormorants

An Taisce's main concern is the use of dredging as a means to harvest the mussels, and the potential impact of this on Cormorants. Dredging for mussels in the subtidal area can have significant impacts on benthic organisms, damaging and altering the substrate, and inducing trophic cascades, with impacts on aquatic species and birds (Dolmer *et al.* 2001¹, Dolmer and Frandsen 2002², Neckles *et al.* 2005³, Atkinson *et al.* 2010⁴). In addition, the production of blue mussels in bottom culture can change the structure of the ecosystem, thereby affecting several trophic levels (Dankers & Zuidema 1995⁵). Bottom culture may change the composition of the benthic community, with a decreased number of species and individuals (Beadman *et al.* 2004⁶, Smith & Shackley 2004⁷). It has been shown that there is a rapid invasion of dredged areas by scavengers, which can change the trophic structure of the

¹ Dolmer P, Kristensen T, Christiansen ML, Petersen MF, Kristensen; PS, Hoffmann E (2002) Short-term impact of blue mussel dredging (*Mytilus edulis* L) on a benthic community. *Hydrobiologia*

² Dolmer, P. & Frandsen, R.(2002) Evaluation of the Danish mussel fishery: suggestions for an ecosystem management approach. *Helgol Mar Res* 56: 13

³ Neckles HA, Short FT, Barker S, Kopp BS (2005) Disturbance of eelgrass *Zostera marina* by commercial mussel *Mytilus edulis* harvesting in Maine:dragging impacts and habitat recovery. *Mar Ecol Prog Ser* 285: 57–73

⁴ Atkinson PW, Maclean IMD, Clark NA (2010) Impacts of shellfisheries and nutrient inputs on waterbird communities in the Wash, England. *J Appl Ecol* 47: 191–199

⁵ Dankers N, Zuidema DR (1995) The role of the mussel (*Mytilus edulis* L.) and mussel culture in the Dutch Wadden Sea. *Estuaries* 18: 71–80

⁶ Beadman HA, Kaiser MJ, Galanidi M, Shucksmith R, Willows RI (2004) Changes in species richness with stocking density of marine bivalves. *J Appl Ecol* 41: 464–475

⁷ Smith J, Shackley SE (2004) Effects of a commercial mussel *Mytilus edulis* lay on a sublittoral, soft sediment benthic community. *Mar Ecol Prog Ser* 282: 185–191

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ecosystem (Dolmer et al, 2002⁸, and references therein). In fact, it has been found that sponges, echinoderms, anthozoans, molluscs, crustaceans and ascideans had a reduced density, or were not observed at all 4 months after an area had been dredged (P. Dolmer, unpublished). The altered composition of the seabed, induced by dredging, thereby impoverishes the seabed, and interferes with recruitment, growth and survival of the associated benthic fauna (Dolmer and Fransen, 2002⁹; and references therein)

The Sovereign Islands SPA is less than 1km off the coast, and is of ornithological importance mainly for the breeding colony of Cormorant, which is both the largest in Co. Cork and of national importance. An Taisce have received anecdotal reports of Cormorant foraging in the area proposed for bottom mussel aquaculture. Cormorants disturb their prey from sandy or muddy seabed habitats, in shallow coastal water, and forage over rocky as well as sandy substrates. They generally feed on bottom-dwelling fish, but can also take fish from the surface and main water column, as well as crustaceans¹⁰.

Given the ecosystem impacts outlined above, the extent of bottom cultured mussels proposed would alter the benthic habitat and processes over a large area (25 hectares), with trophic cascades impacting on other species, and ultimately on foraging birds. The proposed cultivation could potentially result in the loss of an important ex-situ feeding site which would be contrary to the achievement of favourable conservation status. Favourable conservation status is achieved when:

‘there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.’

If the location of this mussel cultivation reduces the foraging area available to the Cormorant population, the conservation status may be downgraded. Although the AA screening ruled out any direct or indirect impacts of the proposed mussel cultivation on the Sovereign Islands SPA, An Taisce submit that the screening was overly limited in scope, and should have assessed the indirect impacts on these protected birds, and included bird survey data to underpin any screening decision. We submit that the screening failed consider all the factors, and as such is potentially in contravention of the requirements of Article 6(3) of the Habitats Directive.

2. Cumulative Impact

In addition, the AA screening fails to fully assess the cumulative impact of the project, instead simply describing the two types of aquaculture which are proposed for the area. It

⁸ Dolmer P, Kristensen T, Christiansen ML, Petersen MF, Kristensen; PS, Hoffmann E (2002) Short-term impact of blue mussel dredging (*Mytilus edulis* L) on a benthic community. *Hydrobiologia*

⁹ Dolmer, P. & Frandsen, R.(2002) Evaluation of the Danish mussel fishery: suggestions for an ecosystem management approach. *Helgol Mar Res* 56: 13

¹⁰ <http://publications.naturalengland.org.uk/file/3897615>

does not take other pressures in to account, such as wastewater treatment in Kinsale, or use of the area for amenity, nor does it assess the combined impact of the two proposed projects.

As the underlying intention of the in-combination provision is to take account of cumulative effects, and as these effects often only occur over time, plans or projects that are completed, approved but uncompleted, or proposed (but not yet approved) should be considered in this context (EC, 2002).

All likely sources of effects arising from the plan or project under consideration should be considered together with other sources of effects in the existing environment, and any other effects likely to arise from proposed or permitted plans or projects. These include ex-situ as well as in-situ plans or projects. The screening report should clearly state what in combination plans and projects have been considered in making the determination in relation to in combination effects. The Dept. of Environment, Heritage and Local Government “*Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities*” clearly states that “***Simply stating that “there are no cumulative impacts” is insufficient.***”

The findings and conclusions of the screening process should be documented, with the necessary **supporting evidence and objective criteria**. There is no supporting evidence in this case that rules out the need for a full Appropriate Assessment. This is of particular importance in cases where the AA process ends at the screening stage because the conclusion is that no significant effects are likely. AA Guidance also clearly states that “*The greatest level of evidence and justification will be needed in circumstances when the process ends at screening stage on grounds of no impact.*” An Taisce submits that this level of evidence is absent from the screening documentation.

3. Water Framework Directive (WFD) and Water Quality

Dredging can resuspend bottom sediment, oxygen-consuming substances and nutrients. It has been shown that mussel dredging significantly increased the amount of suspended particulate matter for a few hours after dredging, with concomitant oxygen decreases, and ammonia increases (Dolmer and Fransen, 2002¹¹, and references therein). This is of particular relevance in this instance, as the estuary within which the aquaculture would be situated is classified as being of moderate WFD status, and at risk of not achieving its WFD objectives. This classification was based on the nutrient and oxygen conditions, both of which would be exacerbated by dredging. As such, the impact of this aquaculture project on the WFD obligations must be fully assessed. In addition, coastal waters are also protected by the Marine Strategy Framework Directive (MSFD), which aims to achieve good ecological status (GES) of the EU’s marine waters by 2020 and to protect the resources on which marine-related economic and social activities depend. This should also be taken in to account.

¹¹ Dolmer, P. & Frandsen, R.(2002) Evaluation of the Danish mussel fishery: suggestions for an ecosystem management approach. Helgol Mar Res 56: 13

We should be grateful if you would take account of these concerns in considering this application. If approved, An Taisce maintains the right to appeal this application should we be dissatisfied with the approval and/or any conditions attached.

We should be grateful if you would provide to us in due course: an acknowledgement of this submission; the nature of the decision; the date of the decision; in the case of a decision to grant an approval, any conditions attached thereto, and the main reasons and considerations on which the decision is based; and, where conditions are imposed in relation to any grant of approval, the main reasons for the imposition of any such conditions.

Is mise le meas,

A handwritten signature in black ink, appearing to read 'Elaine McGoff', with a stylized, cursive script.

Elaine McGoff,
Natural Environment Office,
An Taisce – The National Trust for Ireland

Date: October 7th, 2024

To: Karen Barry, AFMD-DAFM

From: Francis O'Beirn, - Marine Institute

CC: Maria Naughton, Deirdre Fitzpatrick, Philip O'Regan, AFMD-DAFM; Frank Kane, MI

Re: Submissions in relation to T05-472A

The Marine Institute have been asked to comment on a number of submissions from organisations and individuals in relation to the aquaculture application, T05-472A to DAFM. The observations are grouped by subject area below with the relevant group or submission number attached. The MI response follow.

It should be pointed out that some of the comments refer to wider issues relating to management actions or policy questions (e.g., mussel seed sources, EIA requirement, impact on recreational users and tourism interests) which are beyond the remit of the Marine Institute. However, we are always available to discuss further or advise if needed.

In conclusion, while the submissions have necessitated the inclusion of some points of clarification in the AA Screening report, the observations do not raise any issues of significance and, accordingly, we do not see any need to revise the conclusions in the AA reports underpinning the assessment process.

Cormorants and impacts of mussel dredging (An Taisce, Friends of the Irish Environment, Submission 28, Submission 44, Submission 62, Submission 114, Submission 180, Submission 319, Submission 531)

The concern relates to damage of the seabed as a result of relaying mussels and subsequent bottom dredging during maintenance and harvesting. The concern is that this will result in harm to habitat and feeding opportunities for Cormorant (*Phalacrocorax carbo*) [A017] from the Sovereign islands SPA which is a breeding site for this species. The submissions refers to a number of publications identifying impacts of bottom mussel dredging. The submission also makes reference to trophic cascade effects resulting from bottom dredging and identifies the loss of a range of epifaunal taxa and the increase in scavenging species in the vicinity.

Marine Institute Response

The Marine Institute acknowledges that the area under culture will be subject to change as a result of the deposition and subsequent culture of seed mussels. This is not in question. However, it should be noted that the habitat proposed for culture is predominantly sedimentary which is the dominant habitat type in the estuary. It is accepted that the area would be identified as suitable foraging habitat for Cormorant, however, it is likely that the introduction of mussel culture into the area will increase habitat heterogeneity which will likely result in an increase in the presence of fish in the immediate area. Mussels on the seabed have been shown to have a greater abundance of fish and

crustacean relative to adjacent sedimentary areas (Norling et al 2015; Sea et al 2022; see review by Callier et al 2017). The increased concentration of fish and crustaceans (both food for cormorant) as a result of bottom mussel culture is unlikely to significantly impact the population of cormorant originating from the Sovereign Island and the Cork Harbour SPAs.

Relating to the harmful trophic cascade effects as a result of dredging, it is difficult to resolve the link between bottom mussel culture (aquaculture) and the studies cited in the submissions which are wild fisheries from either enclosed shallow-water systems in Denmark or intertidal fisheries in the UK. Notwithstanding, none of the studies cited demonstrate lasting trophic changes or harm in the systems examined.

There will be impact resulting from aquaculture activities at the site. Mostly these relate to seabed changes in the culture site (relating to the addition and removal of culture species) and any sediment plumes resulting from dredging, which are likely to be short lived. On the basis of scientific research the impact on the benthos is likely to be contained broadly within the footprint of the site (Craeymeersch et al 2023). To this end, given there is no spatial overlap between the proposed activity and marine habitat Annex I features (e.g. 1130 and 1140) and the closest distance between extensive aquaculture activities and a marine SAC is 11.75 km (line of sight), the activity is not likely to impact on any Annex 1 habitats under Natura regulations.

Cumulative Impact (An Taisce, Friends of the Irish Environment, Submission 532)

The conclusion that cumulative impacts are unlikely is questioned. The statement that there are no likely cumulative effects, in the absence of any supporting information, is considered insufficient.

Marine Institute Response

The comment is noted and is addressed in the revised AA Screening. To this end, existing and proposed licensing activities in the vicinity of the proposed extensive shellfish culture activities have been reviewed (with access date). Those activities reviewed are:

- DHLGH Foreshore Licencing (<https://www.gov.ie/en/foreshore-notice/> - Accessed 01/10/2024)
- MARA – Foreshore - <https://www.maritimeregulator.ie/our-work/maritime-usage-licences/foreshore-applications/> - Accessed 01/10/2024)
- Cork County Council planning (Map Viewer Accessed 01/10/2024)
- EPA pressures maps (www.gis.epa.ie/EPAMaps/Water: Accessed: 12/12/2023)
- Inshore Fishing Maps (Ireland's Marine Atlas - <http://atlas.marine.ie/#?c=53.9108:-15.9082:6>: Accessed 01/10/2024)
- MARA - MAC Applications (Accessed 01/10/2024):
 - Applications Received - <https://www.maritimeregulator.ie/our-work/maritime-area-consents/applications-received/>
 - Applications Determined - <https://www.maritimeregulator.ie/our-work/maritime-area-consents/applications-determined/>
- MARA - Maritime Usage Licences (Accessed 01/10/2024):
 - Applications - MARA - <https://www.maritimeregulator.ie/our-work/maritime-usage-licences/applications/>

- Applications Determined - MARA - <https://www.maritimeregulator.ie/our-work/maritime-usage-licences/licence-applications-determined/>

The review of these sources has identified no existing activities on the foreshore or adjacent to the foreshore that may interact with the existing or proposed shellfish culture activities and result in in-combination effects, or more importantly, synergistic cumulative effects, such that those QIs already screened out may now be included. The result of this scan has meant that screening conclusions identified in the report are considered valid.

Furthermore, the broad list of ‘environmental problems’ identified in Submission 532 are difficult to ascribe solely to extensive aquaculture operations such as bottom mussel culture. The submission presents a generic list that may apply as much to intensive finfish culture as shellfish culture and while some effects may be observed, the overall scale of ecological impact resulting from the proposed activity at Site T05-472A is not considered significant.

Water Framework Directive and Water Quality (An Taisce, Friends of the Irish Environment)

The increase in suspended sediment as a result of dredging activity is identified as a risk to WFD physico-chemical and nutrient status.

Marine Institute Response

The WFD status of the Lower Bandon Estuary being less than Good is noted. It is important to note, as identified in the An Taisce submission, that the failure to meet Good ecological status is due to excess of nutrients in the water. This is a recurring issue in the region, wherein many transitional waterbodies in the Southwest are failing to meet Good status. It is likely linked to agricultural practices upstream. While dredging of mussels at the proposed site may cause the release of nutrients (nitrogen) into the water column, it is likely that any impact will be short-lived as a result of plume dispersion or tidal flushing. Also, it should be noted that shellfish, in culture, has been identified as a regulating service in marine systems, in particular as a result of their ability to capture and export nutrients (Smaal et al 2019). It is concluded that, given the relatively small size of the site in question and the sporadic nature of likely disturbing activity that the proposed activity does not pose any additional risk to the WFD status of the waterbody in question.

Eel grass (Coastwatch, Friends of the Irish Environment, Submission 62, Submission 327, Submission 357)

The impact on eel grass beds has been identified as under risk from the proposed activity.

Marine Institute Response

Anecdotal accounts have identified eel grass beds in the estuary, it would appear they are confined to subtidal portions of the waterbody from Charles Fort to Lower Cove (Robert Wilkes, EPA – pers communications). Previous surveys effort (e.g. Biomar) have indicated the presence of eel grass in the estuary, but exact locations are not confirmed. Assuming eel grass beds are not in close proximity to the proposed bottom culture area, the sediment plume generated by the dredger will be broadly confined to the licence area and unlikely to impact on eel grass beds along the east

boundary of the estuary. However, it should be noted that any sediment plume dispersion will be dependent on local hydrographic conditions (e.g., wind and tidal stream) at the time of the activity.

Mussel proliferation in the Harbour (Kinsale Chamber of Tourism and Business, Submission 5, Submission 234)

What controls are put in place to limit mussel 'growth' throughout the harbour?

Marine Institute Response

It is unclear what 'growth' is referred to in this instance. Mussels are typically sessile and cannot move large distances, therefore, dispersal of culture animals from the site is unlikely unless they are moved by storm surge or flooding activity. Blue Mussel is a native species which may result in recruitment in the estuary. It is likely that mussels are found throughout the estuary and any increase in recruitment is unlikely to impact on the wider ecology of the system.

Alien species disease introduction (Kinsale Chamber of Tourism and Business)

The introduction of alien taxa and diseases with aquaculture stock is highlighted as a risk.

Marine Institute Response

The stock is derived from seed beds in the Irish Sea which have been subject to monitoring of alien species by BIM. To the best of our knowledge, there have been no invasive alien taxa documented from this source (Gittenberger et al 2023). Oversight and management of bivalve diseases are covered in Ireland through the implementation of Regulation (EU) 2016/429, 'the Animal Health Law', as it relates to the health of aquaculture animals and the prevention and control of certain aquatic diseases. In addition, aquaculture operations subject to a fish health monitoring programme to test for diseases listed under Commission Implementing Regulation (EU) 2018/1882, and Commission Implementing Decision (EU) 2021/260, as well as other aquatic diseases of national importance.

Impact on marine mammals (Ocean Research & Conservation Ireland, Submission 114, Submission 327, Submission 357)

The submission identifies a number of risks to marine mammals from dredging operations.

Marine Institute response:

These risks identified seem to be specifically related to activities specific to maintenance or capital navigational dredging campaigns. The primary reason for this conclusion is the reference to the publication Todd et al (2015) which is specific to navigational dredging or plough dredging activities relating specifically to pipeline installation. There is no reference to dredging associated with fishing or aquaculture activities in this publication.

Notwithstanding, the aquaculture activities were subject to an Annex IV Risk Assessment¹ wherein it is concluded that the noise associated with aquaculture operations are broadly similar to normal

¹ RISK ASSESSMENT FOR ANNEX IV SPECIES - Extensive Aquaculture Kinsale Harbour, Co. Cork – Marine Institute, January 2024

vessel traffic. Given the likely sporadic attendance at the bottom mussel site and lack of overlap with cetaceans, the risk posed by the activity to cetaceans, to breed successfully, to ensure survival of the population, or to reduce the species natural range is considered not significant.

Impact on eel, Salmon and Sea trout (Coastwatch, Submission 436)

A study in Denmark identifying impacts of dredging on wild mussel beds is cited as a likely impact on salmon and sea trout. Eel are cited as sheltering between mussels.

Marine Institute Response:

The aforementioned studies in Denmark relate to fisheries on wild mussels and do not reference impact on fish species. The impact of bottom mussel cultivation on migrating salmonids has not been demonstrated. The activity is confined to the seafloor which presents no physical barrier to the outward migration of smolts. The structure provided by mussels on the seafloor may enhance feeding opportunities for seatrout. Finally, it has been demonstrated that salmon smolts do not appear to delay in estuarine areas (to feed) and engage in rapid migration to deeper coastal waters (Lilly et al 2023).

In relation to eel, the MI acknowledge that eel are likely a year around resident in estuarine areas. The MI are not aware of any specific studies citing the importance of mussel beds to eel. A single mesocosm (laboratory) study highlighted that mussel substrate was a preferred habitat when compared with gravels and sand (Schwartzbach et al 2020). Ongoing culture of mussels in the harbour may present a suitable refuge for eel in the harbour.

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PROJECT: BIM Aquaculture Development Kinsale, Co. Cork (T05/472A)

SCOPE: Underwater Archaeological Impact Assessment

PREPARED BY: Julianna O'Donoghue and Caitlyn Haskins

LICENSE NO.:22R0407

DATE: May 2023 Revised February 2024

CLIENT:

Bord Iascaigh Mhara



Rialtas na hÉireann
Government of Ireland



Có-mhainithe ag an
Aontas Eorpach

Co-funded by the
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Contents

List of Figures.....	0
List of Plates.....	0
1. Introduction.....	2
1.1 General	2
1.2 Conventions, Legislation and Guidelines.....	2
2. Location	2
3. Scope of Works.....	3
3.1 Bottom Mussel Culture.....	3
3.2 Site specific scope of works.....	3
4. Methodology	4
4.1 Desktop Study.....	4
4.2 Geophysical Survey.....	5
4.2.1 Side Scan Sonar.....	5
4.2.2 Magnetometry.....	6
4.3 Dive Survey	6
5. Desktop Study.....	6
5.1 Historical and Archaeological Overview	6
5.1.1 Kinsale Town.....	6
5.2 Cartographic Information	8
5.3 Recorded Monuments and known sites: RMPs and SMRs.....	11
5.5 Topographical Files.....	15
5.6 Wreck Inventory	15
6. Results of dive survey	20
7. Conclusion and Recommendations	24
8. Bibliography.....	24
8.1 Documentary Sources	24
8.2 Cartographic Sources.....	25
8.3 Other Sources	25

List of Figures

Figure 1: Site location map.	3
Figure 2: Map of the Battle of Kinsale 1601, taken from the Pacata Hibernia (Stafford, 1633).	9
Figure 3: Detailed looked at 'the Swallow' area of Kinsale Harbour, taken from the Pacata Hibernia (Stafford, 1633).	9
Figure 4: Extract from Map of Kingsale, 1693 (Harris & Greenville; Royal Museums Greenwich, London).	10
Figure 5: Extract from Maritime Map from Cable Island to Galley Head (Mackenzie, 1776).	10
Figure 6: Extract from OS 6-inch, showing proposed aquaculture site.	11
Figure 7: Extract from OS 25-inch, showing proposed aquaculture site.	11
Figure 8: Location of recorded monuments in the surrounds of the proposed aquaculture site.	12

List of Plates

Plate 1: Seabed in the vicinity of Anomaly B1.	21
Plate 2: Seabed in the vicinity of Anomaly B2.	22
Plate 3: Seabed in the vicinity of Anomaly A26.	23
Plate 4: dive survey in progress, Charles Fort in background.	23

1. Introduction

1.1 General

This report relays the results of an Underwater Archaeological Impact Assessment (UAIA) of a proposed aquaculture development (T05/472A) in Kinsale, Co. Cork. The project was undertaken by *Mizen Archaeology* on behalf of Bord Iascaigh Mhara. The site is proposed for bottom culture of mussels. A desktop study, geophysical survey and dive survey were carried out for the assessment.

1.2 Conventions, Legislation and Guidelines

The UAIA was undertaken with due regard to the following national and international protective conventions, legislation, and guidelines:

- National Monument Act, 1930, amended 1954, 1987, 1994, and 2004
- Heritage Act, 1995
- National Cultural Institutions Act, 1997
- The Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous) Provisions Act, 1999
- Frameworks and Principles for the Protection of the Archaeological Heritage, 1999, Departments of Arts, Heritage, Gaeltacht and the Islands
- Local Government (Planning and Development) Act, 2000
- European Convention on the Protection of the Archaeological Heritage (the 'Valletta Convention') ratified by Ireland in 1997
- Council of Europe Convention on the Protection of Architectural Heritage of Europe (the 'Granada Convention') ratified by Ireland in 1997
- International Council on Monuments and Sites (ICOMOS), advisory body to UNESCO concerning protection of sites and recommendation of World Heritage sites ratified by Ireland in 1992.

2. Location

The site, T05/472A is located in Kinsale Harbour, and covers an area of c. 23 hectares. It is located c. 100m southeast of Oldfort townland at the nearest point, c. 350m east of Castlepark townland, and c. 350m west of Forthill townland and Charles' Fort. The proposed area is a maximum of c. 1km north-south and c. 340m east-west.



Figure 1: Site location map.

3. Scope of Works

An application for a licence for the production of mussels (*M. edulis*) has been submitted for Site T05/472A.

3.1 Bottom Mussel Culture

Bottom mussel aquaculture involved relaying juvenile mussels (spat) over the seafloor and on-growing until reaching a marketable size and dredged for harvest, a process that normally takes approximately 18 months.

Seed harvesting, either by dredging on natural seed beds or from seed mussel collectors, is followed by the seeding/relay of mussels on culture plots. Mussel density is regulated by the mussel farmers, based on experience. Seed is traditionally fished from natural seed beds, using dredges.

3.2 Site specific scope of works

At Site T05/472A it is proposed to culture mussels (*M. edulis*) on the seabed in the subtidal zone.

Seed mussel will be sourced from the wild seed mussel fishery, regulated by DAFM. The range of seed size sourced is 15-40mm but the ideal range is 25-35mm. The opening of the seed fishing varies and is dependent on various parameters but in general it opens in late summer. Seed mussel is brought on to site for relaying on to the aquaculture site by boat.

Relaying of seed mussels from the hold is done by water jet through holes in the side of vessel. There is no disturbance to the seabed during this operation. Once relayed it can take between 12-24 months to reach market size with the average being circa 18 months. However, the time on the relay plot can depend on the stock level from the previous year, the progression of sales from the previous year's stock, the progression of growth and sales of the current year's stock, the market price and demand and the fluctuations of meat yield levels.

During the on-growing period after relaying of seed, control of starfish and green crab predators can be removed using starfish mops or potting for green crab, both of which are non-invasive to the seabed. The mop only picks starfish off the top of mussels while the potting involves entrapping green crab in baited pots. Not all sites require predator control, it will depend on predator levels at the site.

During the on-growing period monthly sampling with a small hand dredge (20kg max mussel sample) occurs to monitor growth and stock quality. Normally stock that has been relayed stays in situ until harvest so there is very little disturbance of the re-laid plot. It is proposed that the site will be dredged over a maximum of between three and six times per year.

A 2.5m to 3m wide dredge with a flat bar is used to pick up the mussels, dredges do not dig deep into the seabed but rather lift the mussels off the bed of the layer of pseudo faeces that the mussels excrete. The goal is to harvest whilst causing no damage to stock. Dredgers move slowly over the site with dredges trailing about 30m behind. When full they are winched-in and the contents emptied into the hold. Once in the hold mussels are moved up a conveyor belt through a washer and crabs/starfish are picked off along with stones/waste. This will provide an opportunity to monitor for archaeological material. Such material will be reported to DAFM.

4. Methodology

A range of methodologies were utilised to assess the cultural heritage of the survey area, including a desktop study, geophysical survey, and a dive survey with a program of metal detection.

4.1 Desktop Study

The following sources were consulted to complete the desktop study:

- The Record of Monuments and Places (RMP), compiled by the Archaeological Survey of Ireland, comprises lists, classifications of monuments and maps of all recorded monuments with known

locations and zones of archaeological significance. The monument records are accessible online from the National Monuments Service (NMS) of the Department of Housing, Local Government and Heritage at www.archaeology.ie. These were used to establish the wider archaeological context of the site.

- OSI: Ordnance Survey Ireland historic and contemporary maps were examined to measure the changing landscape.
- The Excavations Bulletin online database (www.excavations.ie) which contains summaries of all archaeological excavations in Ireland, was consulted to review archaeological investigations done previously in the area.
- Wreck Inventory of Ireland Database (WIID) and Wreck Viewer: The information contained within the inventory was gathered from a broad range of cartographic, archaeological and documentary sources, and each entry in the Inventory gives information on the ship's name, type of vessel, port of origin, owner's name, cargo, date of loss and other relevant information where available.
- The Record of Piers and Harbours is draft unpublished document compiled by the Department of Housing, Local Government and Heritage. It draws on various historical sources dealing with historical piers and harbour development in Ireland.
- Cartography: Several historic maps and charts were examined (see references below for a full list).
- Aerial photography: A variety of low and high-altitude aerial photography was examined. See Bibliography below.
- Documentary sources: Several sources were examined. For a full list of all sources examined. See Bibliography below.

4.2 Geophysical Survey

Mizen Archaeology engaged Hydrographic Survey to undertake the geophysical survey of the site. The survey complied with the National Monuments Service (NMS)'s *Specifications for geophysical survey undertaken for archaeological purposes*.

4.2.1 Side Scan Sonar

A high-resolution C Max side scan sonar towfish was towed behind the survey vessel. An onsite calibration was undertaken during vessel mobilisation. The unit was a dual frequency system, with both high and low frequencies recorded during acquisition. A manual layback was applied to the survey positions (RTK accuracy <0.05m). Processing of the data was via Moga Software Seaview mosaic, a modern dedicated post-processing package. During processing all data was inspected for integrity. Deliverables included a GeoTiff mosaic and individual data as xtf files.

4.2.2 Magnetometry

A Geometrics G882 magnetometer was used to record the magnetic field across the survey area. A nominal line spacing of 5m was used to cover the survey area. The magnetometer was integrated into the navigation software suite Hypack during data acquisition. A manual layback was applied to the survey positions (RTK accuracy <0.05m). All data processing was undertaken in Geometrics MagPick. Deliverables included a contoured gridded surface map and/or individual profile cross-sectional mappings.

4.3 Dive Survey

The results of the geophysical survey of the proposed aquaculture site were examined in detail and all anomalies of possible archaeological significance were subject to a dive-truthing survey.

A five-person dive team undertook the dive survey. All of the divers possessed H.S.A. Parts III and IV diving licences and H.S.A. Medical Certificates. Diving operations complied with SI No 254 of 2018 Safety, Health and Welfare at Work (Diving) Regulations. The survey was carried out using commercial SCUBA equipment from a RIB.

The location of each anomaly, including a radius of 10m around the target, was visually inspected. Features or objects of archaeological significance were recorded, including a description, photographic record and GPS position. An Excalibur 2000 metal detector was used to metal detect the seabed where appropriate.

5. Desktop Study

5.1 Historical and Archaeological Overview

5.1.1 Kinsale Town

Kinsale is a historic market town and sea-port with a large, secure harbour, situated close to the mouth of the River Bandon. The name Kinsale is derived from *Ceann tSáile*, meaning ‘the headland in the sea’. The earliest references to Kinsale call the area ‘Endelford’, ‘Endelworth’, ‘Engleworth’, or variations of the same (Westropp 1912/13, 364; Thuillier 2014). It is a name with Norse roots, and is thought to be evidence of early Viking activity in the harbour. The name itself is thought to mean a ‘further harbour’ or, possibly, ‘world’s end’, with the latter name enduring in reference to the southwestern section of the town, by the edge of the river (Thuillier 2014). It is believed that prior to the Vikings, a settlement developed around an early medieval monastic site (Thomas 1992, 137, 140). The area now known as World’s End was also known as ‘Dromderidh’, a name possibly dating to its pre-Norse history (McSwiney 1938, 82).

After the Anglo-Norman conquest, Kinsale, and other lands, were granted to Milo de Cogan. Myles de Courcey married into the de Cogan family and received the land southwest of Kinsale, gaining the title Baron of Kinsale

in 1223. The Anglo-Normans built their settlement on high ground around a market area in front of St. Multose's church, situated to make use of the harbour for import and export of goods (Jefferies 1986, 34). Agricultural crops from the Bandon river basin and wool from Tracton Abbey were exported to destinations as far away as Lucca and Florence in Tuscany (Thullier 2014).

The area was granted a weekly market in 1226 (Westropp 1912/13, 400). In 1334, it was granted its first Charter by Edward III. By 1348, a murage grant was given for the repair of the town walls, indicating that the settlement was enclosed in the first half of the 14th century. It grew in importance in the latter half of the 14th century, returning members to Parliament by 1374.

The name 'Endelford', and its variations, appeared on maps and documents up until the early 15th century. By 1436, the area was referred to as 'guisalla', signifying the change over to 'Kinsale'. The earlier name was retained in the Anglo-Norman name, 'Kinsale de d'Endilvorth' (*ibid.*, 419). In the 15th century, the town was exporting fish to Bristol, Brittany, La Rochelle and Bordeaux.

In the 16th century, the town expanded to the south, with the town wall extended to accommodate the new area.

In September 1601, a Spanish force of 3500 on board 28 ships landed in Kinsale, holding the walled town until the arrival of O'Neill's army from the north (McGurk 2002, 59). English forces besieged the town from a series of camps and artillery positions in the hills overlooking the town. English naval forces arrived to support the siege in November 1601. The force included six warships, one galley, and six requisitioned merchantmen (*ibid.*, 67). These ships specifically used their guns to help force the surrender of the forts and castles around the harbour. The conflict culminated with the Battle of Kinsale in January 1601, where O'Neill's army was defeated. The siege continued for another nine days, before the Spanish surrendered the town.

This conflict alerted the English to the strategic importance of the town and harbour, which was then fortified with James Fort and Charles Fort. In addition, the Royal Dockyard was constructed in the 17th century, on the site of what is now the Trident Hotel. The dockyard had the capacity to repair and build ships of over 100 feet in length and, after the navy pulled out of the area, it provided docking facilities for coastal shipping (Thullier 2014). Nearby, there was gun wharf used for stepping masts, handling guns, and general provisioning, as well as a double slipway, which functioned as the departure point for the cross-river ferry. Both of these features were accessed by the 'drang'-a steep, narrow incline above the water- prior to the construction of World's End road (*ibid.*).

A fishing town, sixty and eighty fishing boats operated out of Kinsale in the 17th century, catching three or four thousand mackerel a day.

Towards the end of the 17th century, the town walls were largely destroyed, with further remains being dismantled in the 18th century (McSwiney 1938, 83). The works area was located over 500m south of the southernmost area of the former walled town.

In the 18th century, extensive reclamation works in the areas immediately adjacent to the historic town centre extended the town quays. Long Quay- now known as Pearse Street- was infilled and the reclamation of Emmet Place, Markey Quay, and the shoreline to the east of Watergate and Lower Fisher Streets followed.

5.2 Cartographic Information

A 1633 map of the 1601 Battle of Kinsale (Fig. 2 & 3) was included in the *Pacata Hibernia*. The map details locations of fortifications and forces, including notes on action of the battle. A fleet of large vessels is shown in the Outer Harbour, where the assessment area is located. Notably, there castles depicted where James Fort and Charles Fort would later stand, providing an indication of the harbour's fortifications prior to the 17th century. In addition, the cannon at Castlepark are shown facing towards Kinsale town, rather than out towards the Outer Harbour.

A chart of 'Kingsale' from 1693 shows the change from Castlepark to 'Old Fort' and from Barry Óg's castle to 'New Fort'. Of note for this assessment, the western portion of the outer harbour is labelled as "dry at low water".

A Maritime Map from 1776 also shows the two forts, although not in any detail. The soundings indicate that the survey area is significantly shallower than the channel along the eastern side of the harbour.

There are no features illustrated on the 6-inch or 25-inch Ordnance Survey maps within the survey area. However, both forts are shown in greater detail along the bordering shores. The 6-inch edition continues to label the fortification on the west side as 'Old Fort', although 25-inch OS map updates the label to 'James Fort' and notes that it is 'in ruins'. On the eastern shore, 'Charles Fort' is labelled on both maps and appears intact on both editions.

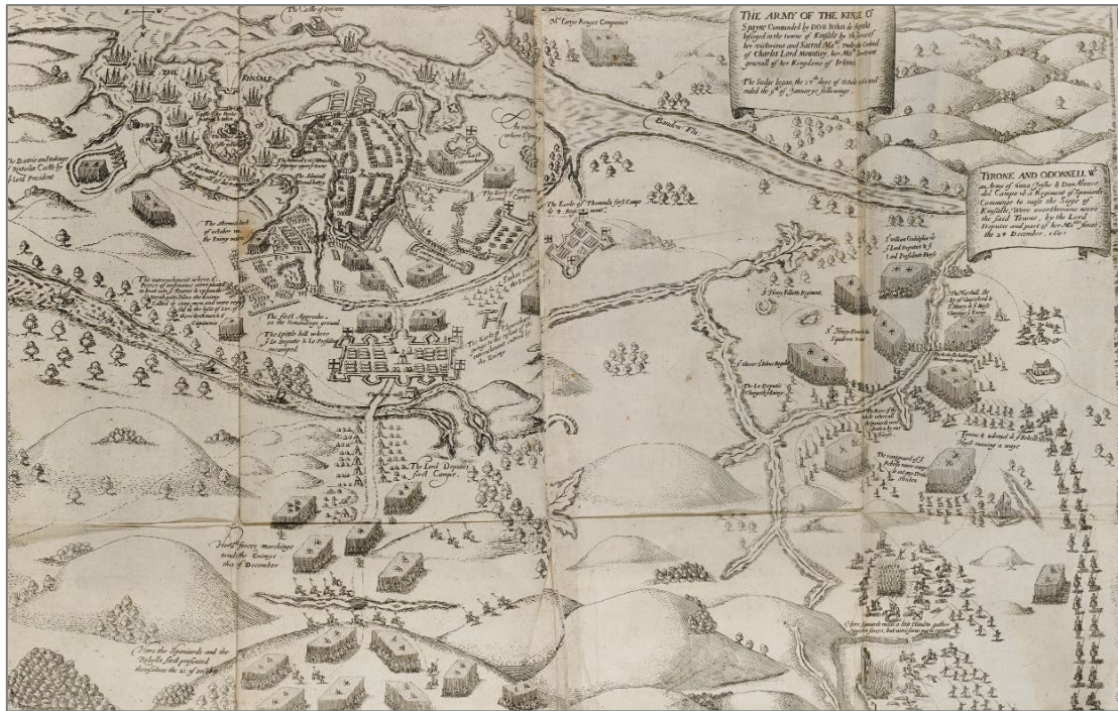


Figure 2: Map of the Battle of Kinsale 1601, taken from the Pacata Hibernia (Stafford, 1633).



Figure 3: Detailed looked at 'the Swallow' area of Kinsale Harbour, taken from the Pacata Hibernia (Stafford, 1633).



Figure 4: Extract from Map of Kingsale, 1693 (Harris & Greenville; Royal Museums Greenwich, London).



Figure 5: Extract from Maritime Map from Cable Island to Galley Head (Mackenzie, 1776).

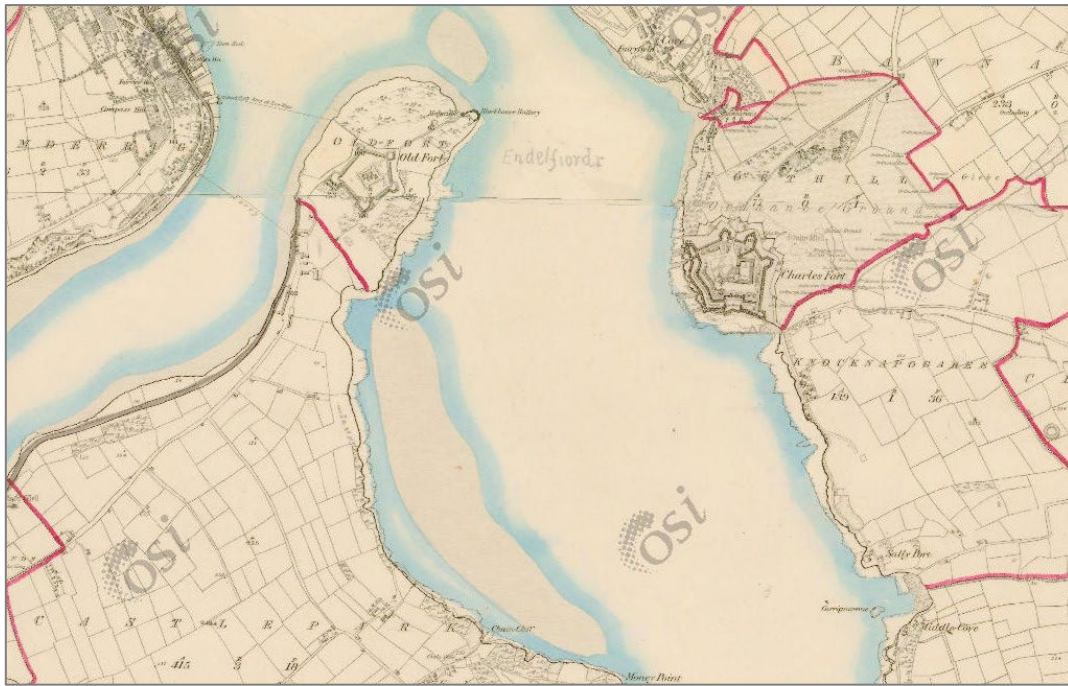


Figure 6: Extract from OS 6-inch, showing proposed aquaculture site.

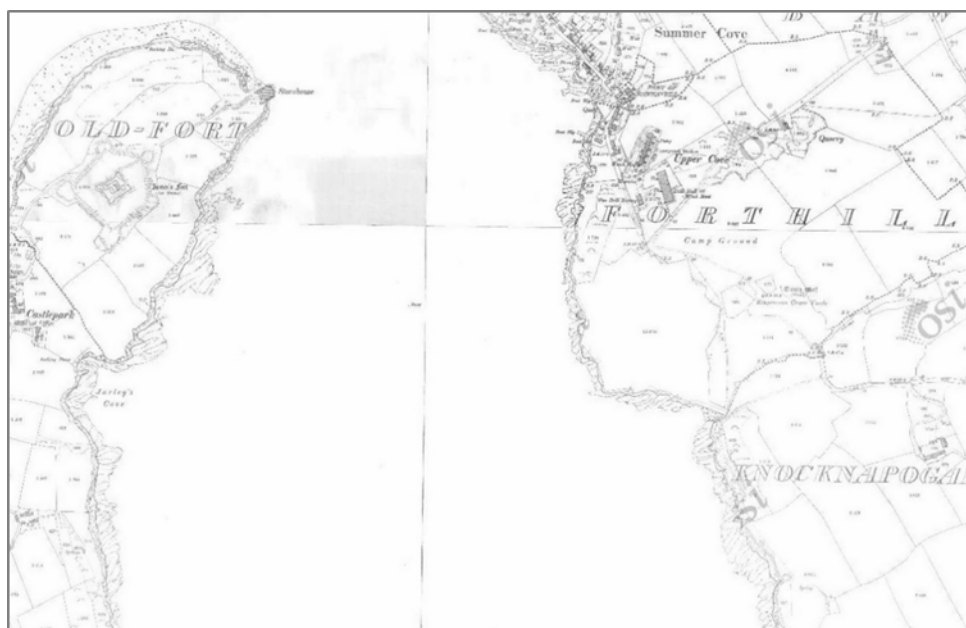


Figure 7: Extract from OS 25-inch, showing proposed aquaculture site.

5.3 Recorded Monuments and known sites: RMPs and SMRs

There are no recorded sites or monuments within the footprint of the proposed aquaculture site. However, there are several on the coastline nearby.

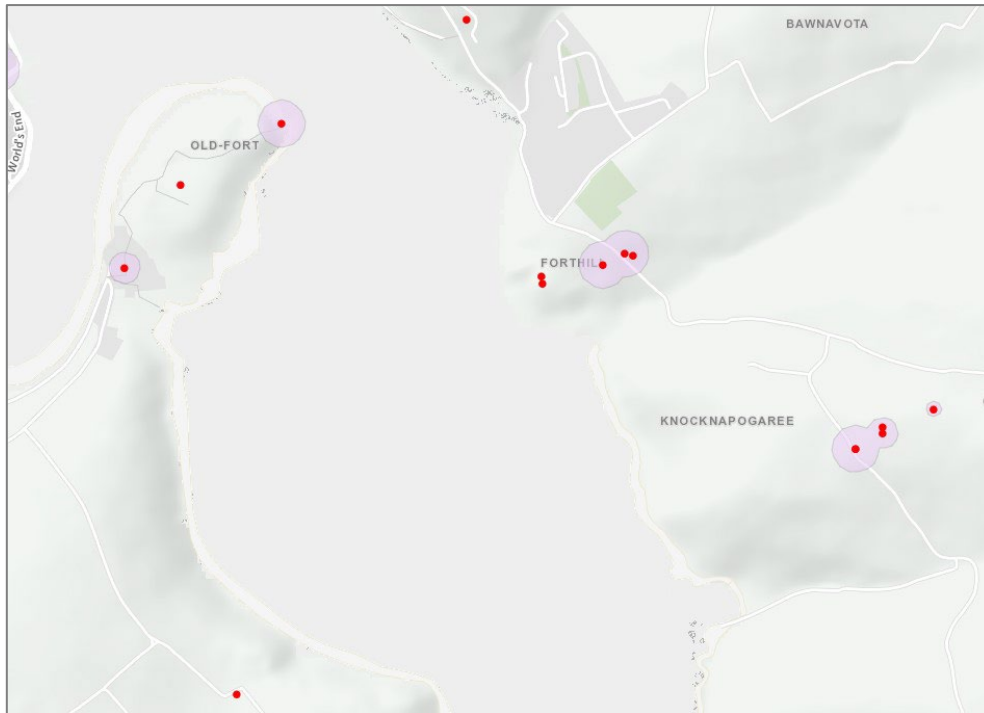


Figure 8: Location of recorded monuments in the surrounds of the proposed aquaculture site.

CO112-083---, Blockhouse

At NE tip of Castlepark promontory in Kinsale harbour; approached from W by covered way from James' Fort (CO112-036---). Built on rock outcrop just above high-tide mark. Roofless ruin, modified in recent times when used as 'store for fish boxes' (O'Sullivan 1916, 100). Covered way leads to downward sloping ramp passing between two rectangular structures and through wide doorway onto level platform (17.8m E-W; 17m N-S), enclosed by straight walls to N, S and W and by three-sided wall to E. Ground floor wall pierced by series of double splayed opes, all modified recently to take window frames; 1st floor wall added in recent times. Double splayed opes probably gun ports. In NW corner passage leads to domed magazine (6.1m E-W; 4.6m N-S), approached through small ante chamber. In N wall of passage splayed and lintelled ope with narrow vertical slit, according to O'Neil (1940, 112) 'probable that this opening is for cannon' and dated by him to 16th century. In SW corner rock-cut passage with rock-cut stairs rises to platform (c. 4m E-W; c. 3.5m N-S) overlooking buildings. On N side of ramp 2-storey structure (int. 3.45m N-S; 3.6m E-W) with fireplace in W wall on both floors; gun loops in N and S walls at 1st floor level. To S of ramp similar structure with one floor, at higher level; also fireplace in W wall. According to O'Neil (1940, 113), earliest part of structure 16th century, but O'Sullivan (1916, 99) gives 1604 account for construction of James Fort which includes £50 for 'Blockhouse at the point of the land'. Shown on 1625 map (Hayes-McCoy 1964, 33) and clearly depicted in Phillips's 'prospect' of 1685 (Kerrigan 1977-9). Whatever its date, structure appears to be remains of shore-level battery of at least eight guns, with a magazine and accommodation as part of complex.

Overlooking blockhouse, c. 80m to WSW, rectangular gable-ended structure (7.3m N-S; 10.5m E-W), roofless but walls stand to full height and partially ivy-clad. Central door in E wall, approached through round-arched porch; flanked by windows with attic window overhead. Side walls blank. Central fireplace in W wall covered by segmental brick arch; rectangular stack overhead, unusually, four angled flues feed into stack but features from which they fed gone or ruined. Kerrigan (1980, 15) suggests may be remains of tower built 1654-6 and shown on Phillips's 'prospect' of 1685, however, depicted on prospect as tall square tower unlike present structure. Arrangement of flues suggests some system for smoking fish; according to local information used for curing fish (pers. comm. Eugene Gillen).

CO112-036, Bastioned Fort

On highest part of promontory which projects on W side of Kinsale harbour. Map of 1587 (Hayes-McCoy 1964, 25) shows tower named 'Castle Parks' here which was 'a small structure of no great strength' (ibid.); this was occupied and further strengthened by Spanish in 1601 (O'Sullivan 1916, 47). After Battle of Kinsale work began, in Feb. 1602, on 'pentagonal bastioned work designed by Paul Ives' (Kerrigan 1980, 15) but not completed until Oct. 1604 (Hayes-McCoy 1964, 33) at cost of £675 (O'Sullivan 1916, 99). In need of repairs by 1611 when defences improved and inner fort built (Gowen 1979, 257); repaired again in 1677 (ibid., 257-9). Captured by Williamite forces in October 1690 (see CO125-034----; Kerrigan 1980, 15; Gowen 1979, 259). Defences described in detail by Gowen (ibid., 259-63): five earthen bastions on angles of a pentagon, linked by straight curtain walls, enclose an area c. 100m x c. 120m. External ditch evident on W, N and E sides (max. Wth 15m). Landward bastions (to SW) larger than other three; part of stone facing survives on this side. Mid-way along S curtain are remains of gate-house and revetment for drawbridge. Centrally placed within is square fort, enclosing area c. 30m x c. 40m, with demi-bastions on each corner. Wall pierced by gun loops and backed by earthen banks. Inside are two diametrically opposed towers with gun loops, between which are three gabled buildings forming a quadrangle. From ditch at NE corner of inner fort, covered way leads to vaulted sally port beside NE bastion of outer fort, then NE to blockhouse (CO112-083---) on shoreline. Fort is a national monument (no. 525) in state guardianship.

See Excavation 1998, no. 82, p. 21-22

Excavations 2003, 71

See also O'Donnell, M. 2002 Excavations at James Fort, Kinsale, 1974-98. JCHAS 107, 1-70.

CO125-005---, Fulacht fia

According to local information, stone-lined trough of fulacht fiadh uncovered during construction of housing estate. No visible surface trace.

CO125-004---, Settlement cluster

Named 'Knockroe' on 1842 OS 6-inch map, now abandoned. Only three out of approx. seven houses remain, one in ruins. All are 1-storey, mud built, gable-ended, with single end chimney of brick. Top of wall, gable with chimney and ope surrounds are stone built. One has slate roof, other of corrugated iron.

CO125-007----, Bastioned fort

On E shore of Kinsale Harbour, facing James Fort (CO112-036---); bastioned star-shaped fort, about 10 acres in extent. Built on site of Ringcurran Castle 1678-83; designed by architect William Robinson. Overlooked to landward; weakness exposed by besieging Williamite forces in 1690 when garrison surrendered after 13 day siege. Irregular polygon in plan; three bastions face inland (Cockpit, Flagstaff and North); two demi-bastions on shoreline. Bastions linked by massive masonry ramparts (H c. 14m); along shoreline outer ramparts form second tier of gun batteries; Orrery's battery to S forms a third tier. Outside ramparts to landward dry moat, covered way and sloping glacis of which little survives. Central landward bastion largest and once served as citadel of fort. Most of the gun embrasures survive though many have been altered or enlarged. Entrance gateway between Flagstaff and North bastions erected in 18th century -original destroyed in 1690 siege. Bastions and ramparts are basically unchanged since 17th century; interior much altered as fort functioned as military barracks throughout 18th and 19th centuries when officers' quarters, soldiers' quarters, governor's house, guard house etc. built inside fort. 17th century vaulted magazine and diagonal blast wall survive, as well as part of inward-facing ramparts of citadel. Since 1973 OPW have carried out repairs; fort now a National Monument, open to the public. (Kerrigan 1977-9, 323-8; Gowen 1979, 237-46; Anon 1988)

See Excavations 2003, 63.

CO125-008001-, Burial ground

One of two burial grounds just outside NE wall of Charles Fort (CO125-007---). Irregular area (49.5m N-S; 42.1m E-W) enclosed by wooden fence. Grave markers very worn; some dating to 18th century.

CO125-008002-, Burial ground

One of two burial grounds just outside NE wall of Charles Fort (CO125-007---). Trinity well just outside to SE. Irregular area (30.1m N-S; 25.9m E-W) enclosed by wooden fence. Grave markers concentrated in S side.

CO125-008003-, Ritual site- holy well

In marshy scrub, outside SE corner of burial ground (CO125-008002-). Well covered by arch of brick and mortar (H 1.7m). Overgrown.

5.5 Topographical Files

The Topographical Files of the National Museum of Ireland (NMI) which holds details of any artefactual material recovered from the 18th century to modern day were consulted. There is no record of artefacts recovered from the from the proposed sites or its environs.

5.6 Wreck Inventory

The Wreck Inventory of Ireland Database does not record any shipwreck within the footprint of the proposed aquaculture site. However, there are several shipwreck sites listed for the general area of Kinsale Harbour.

Site Name *Charlotte*

Date of Loss 9 Feb. 1776

Place of Loss Kinsale

This vessel was en route from Jamaica to Bristol when she was lost. The crew survived.

Bourke, 1999, 110.

N. L.L. no. 718, 9 February 1776.

Site Name *Devonshire*

Date of Loss 13 July 1695

Place of Loss Kinsale Harbour

This man-of-war had her deck blown up by accident and 30 men were wounded.

O'Mahony, C. & Cadogan, T. 1988, 20

Site Name *George*

Date of Loss 2 Feb. 1796

Place of Loss near Kinsale harbour

This vessel was en route from Newcastle and Portsmouth to Carthagena, under White, when she went ashore.

L. L. no. 2790, 2 February 1796

Site Name *Gravalia*

Date of Loss 30 Dec. 1800

Place of Loss Kinsale

This vessel was en route from Spain to Hambro, under Iclerbom, when she was lost. The crew survived.

L. L. no. 4115, 30 December 1800.

Site Name *Hampton*

Date of Loss 12 Nov. 1770

Place of Loss Kinsale

This vessel was under the command of Dudlay when she was driven ashore. Two lives were lost.

Freemans Journal, Thurs. 15-17 Nov. 1770

Site Name *Hibernia*

Date of Loss 4 March 1777

Place of Loss near Kinsale Harbour

This vessel was en route from Bristol to Cork, under Knethell or Kneethall, when she was lost. The crew survived.

Bourke, 1998, 108

N. L. L. no. 829, 4 March 1777

Site Name *Lord Sandon*

Date of Loss 21 Feb. 1849

Place of Loss at Kinsale

This 407-ton vessel of Kinsale was burnt.

Bourke, 1994, 119; CSP, 1852-3, Vol. XCVIII, 2

Site Name *Mona*

Date of Loss 31 Jan. 1800

Place of Loss Kinsale

This vessel was en route from Surinam to Liverpool, under Maudry, when she went ashore.

Bourke, 1998, 109

L. L. no. 4020, 31 January 1800

Site Name *Providence*

Date of Loss 1668

Place of Loss Kinsale Harbour

This Kinsale ship sank in 6 fathoms during a storm.

Bourke, 1994, 114

Site Name *Rialto*

Date of Loss 13 Feb. 1776

Place of Loss Kinsale Harbour

This vessel was en route from Jamaica to Bristol, under Tapscot, when she was lost.

Bourke, 1998, 108

N. L. L. no. 719, 13 Febraury 1776

Site Name *Robinson Crusoe*

Date of Loss 21 May 1881

Place of Loss Kinsale Harbour

This 14-year old wooden lugger of Cork weighed 27 tons. The owner was J. Dawson and the master was J. Corcoran. She was lying at Kinsale, in ballast, with 8 crew on board when she collided with fishing smack *Pioneer* of Ramsey, Isle of Man, in SW force 4 wind. She was totally wrecked but there was no loss of life.

CSP, 1882, Vol. LXIII, 'Collisions', 139

Bourke, 1994, 114

Site Name *Santa Trinidad*

Date of Loss December 1849

Place of Loss Kinsale Harbour

This vessel was en route from Queenstown to Dublin when she was lost. The crew survived.

Bourke, 1994, 120-21; CSP, 1952-3, Vol. XCVIII, 3

Site Name *Shamrock*

Date of Loss 17 Nov. 1821

Place of Loss Kinsale

This vessel was en route to Limerick, under Colman, when she was wrecked while leaving Kinsale. Some of the materials were saved.

Bourke, 1998, 109; L. L. no. 5647, 23 November 1821

Site Name *H.M.S. Stillorgan*

Date of Loss 16 June 1778

Place of Loss entrance to Kinsale Harbour; Great Seal, possibly Bream Rock

This British 90-gun warship was under command of Admiral Phil when she was buffeted by a storm outside of Kinsale Harbour. She began to take in water and on her way into Kinsale she went to pieces.

Bourke, 1994, 114; O'Mahony & Cadogan, 1988, 27

Site Name *Sultan*

Date of Loss 11 Nov. 1791

Place of Loss Kinsale

This vessel was en route from Charleston to Liverpool, under Capt. Hardy, when she was lost.

Bourke, 1998, 108

Site Name *Swallow (formerly Gainsboro)*

Date of Loss 10 Feb. 1692

Place of Loss Kinsale Harbour

This 550-ton frigate and 4th rate gunship was built in 1653 by Taylor of Portsmouth. She was renamed *Swallow* in the Restoration of 1660. She was one of 3 ships which broke the boom on the Foyle, thus raising the siege of Derry.

Bourke, 1994, 114

Site Name *Thomas & Ann*

Date of Loss 7 Nov. 1823

Place of Loss west port of Kinsale Harbour

This vessel of Kinsale was totally lost, along with 2 crew.

L. L. no. 5854, 11 November 1823

Site Name *Try Again*

Date of Loss 24 / 25 / 26 Nov. 1835

Place of Loss Kinsale

This vessel of Cork was en route from Quebec to Cork when she was stranded. The crew survived.

Bourke, 1994, 120; Bourke, 1998, 110; CSP, 1836, Vol. XVII, Appendix No. 7, 321

Site Name *Vieran*

Date of Loss 25 Feb. 1851

Place of Loss entrance of Kinsale Harbour

This brig was en route from Alexandria with a cargo of cotton when she was in contact with the Austrian brig *Uredan*. The crew got aboard the *Uredan*. The *Vieran* was boarded by a pilot vessel, while 1 mile south of the Old Head of Kinsale. She was found to be abandoned and was brought into Glandore Harbour.

CSP, 1852, Vol. XLIX, 136-137

Site Name *Waterloo*

Date of Loss 2 March 1848

Place of Loss Kinsale Harbour

This Clonakilty vessel was en route from Cork to Bantry when she was lost. All those aboard survived.

CSP, 1852-3, Vol. XCVIII, 1

Site Name unknown

Date of Loss 17 March 1634

Place of Loss Kinsale

This Liverpool bound ship was lost.

Bourke, 1994, 114

Site Name unknown

Date of Loss August 1639

Place of Loss Kinsale

This vessel, laden with salt, was lost during a great storm.

Appleby, 1992, 1138; 1141, 275

Site Name unknown

Date of Loss 11 Feb. 1691

Place of Loss Kinsale Harbour and vicinity

This corn vessel was lost in the harbour and several other vessels were wrecked in the vicinity in a storm

Bourke, 1994, 114

Site Name unknown
Date of Loss 27 Feb. 1851
Place of Loss off Kinsale Harbour

This Austrian brig sank after being in contact.

CSP, 1852-3, Vol. XCVIII, 5

Site Name unknown
Date of Loss 24 June 1881
Place of Loss Kinsale Harbour

This unregistered wooden fishing boat was in ballast, with 3 crew aboard, when she capsized and was partially wrecked. One life was lost.

CSP, 1882, Vol. LXIII, 'Casualties from other causes', 161

6. Results of dive survey

Two MBES anomalies, one side anomaly. The seabed at each location was found to be sandy with regular clumps of seaweed, which, when examined, were shown not be attached to any rock, timber, or other feature. Nine of the magnetometer targets were selected for inspection. There was no evidence of any cultural material at these locations. In the wider area the hand-held metal detection survey identified four sections of modern steel cable, and one modern iron bar. No archaeological material was identified at any of the sites.

All dives were carried out over the course of one day in May 2023. The visibility was generally poor due to the presence of algae bloom in the water.

The results of the dives are provided in Table 1. No archaeological material was detected at any of the anomaly sites.

Table 1 Results of dive survey.

Anomaly No.	Anomaly type	Description
B1	MBES	Sandy seabed, occasional patches of seaweed. Nothing of archaeological significance.
B2	MBES	Sandy seabed, occasional patches of seaweed. Nothing of archaeological significance.
C1	Side Scan	Sandy seabed, occasional patches of seaweed. Nothing of archaeological significance.
A6	Magnetometer	Featureless sandy seabed. Nothing of interest noted.
A7	Magnetometer	Featureless sandy seabed. Nothing of interest noted.
A17	Magnetometer	Featureless sandy seabed. Modern steel cable detected by metal detector.

A18	Magnetometer	Featureless sandy seabed. Modern steel cable and concreted iron bar detected by metal detector.
A21	Magnetometer	Featureless sandy seabed. Modern steel cable detected by metal detector.
A22	Magnetometer	Featureless sandy seabed. Modern steel cable detected by metal detector.
A23	Magnetometer	Featureless sandy seabed. Nothing of interest noted.
A24	Magnetometer	Sandy seabed with patches of seaweed. Nothing of interest noted.
A26	Magnetometer	Featureless sandy seabed. Nothing of interest noted.



Plate 1: Seabed in the vicinity of Anomaly B1.



Plate 2: Seabed in the vicinity of Anomaly B2.



Plate : Seabed in the vicinity of Anomaly C1.



Plate 3: Seabed in the vicinity of Anomaly A26.



Plate 4: dive survey in progress, Charles Fort in background.

7. Conclusion and Recommendations

Kinsale Harbour has a long maritime and naval history, including the Battle of Kinsale. There are a number of wrecks whose exact location is unknown, but whose general location is recorded as 'Kinsale' or 'Kinsale Harbour', any of which may fall within the proposed aquaculture site. Therefore, there is a potential for buried archaeological material to remain preserved within the sediment.

While the laying of mussels on the seabed will have no impact on buried archaeology, dredging of mussels for harvesting could potentially impact on buried archaeological material.

There are no known wrecks or monuments within the bounds of the proposed aquaculture site. The geophysical survey and subsequent dive truthing survey identified no evidence of archaeological material within the proposed development.

No further archaeological mitigation measures are recommended for the proposed aquaculture site T05/472A.

All mitigation measures are recommendations only. The ultimate decision rests with the National Monument Service of the Department of Housing, Local Government and Heritage in collaboration with the National Museum of Ireland.

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Historic Environment Viewer, National Monuments Service; www.archaeology.ie

Ordnance Survey of Ireland: www.osi.ie

National Monuments Service: www.archaeology.ie

Date: October 7th, 2024

To: Karen Barry, AFMD-DAFM

From: Francis O'Beirn, - Marine Institute

CC: Maria Naughton, Deirdre Fitzpatrick, Philip O'Regan, AFMD-DAFM; Frank Kane, MI

Re: Submissions in relation to T05-472A

The Marine Institute have been asked to comment on a number of submissions from organisations and individuals in relation to the aquaculture application, T05-472A to DAFM. The observations are grouped by subject area below with the relevant group or submission number attached. The MI response follow.

It should be pointed out that some of the comments refer to wider issues relating to management actions or policy questions (e.g., mussel seed sources, EIA requirement, impact on recreational users and tourism interests) which are beyond the remit of the Marine Institute. However, we are always available to discuss further or advise if needed.

In conclusion, while the submissions have necessitated the inclusion of some points of clarification in the AA Screening report, the observations do not raise any issues of significance and, accordingly, we do not see any need to revise the conclusions in the AA reports underpinning the assessment process.

Cormorants and impacts of mussel dredging (An Taisce, Friends of the Irish Environment, Submission 28, Submission 44, Submission 62, Submission 114, Submission 180, Submission 319, Submission 531)

The concern relates to damage of the seabed as a result of relaying mussels and subsequent bottom dredging during maintenance and harvesting. The concern is that this will result in harm to habitat and feeding opportunities for Cormorant (*Phalacrocorax carbo*) [A017] from the Sovereign islands SPA which is a breeding site for this species. The submissions refers to a number of publications identifying impacts of bottom mussel dredging. The submission also makes reference to trophic cascade effects resulting from bottom dredging and identifies the loss of a range of epifaunal taxa and the increase in scavenging species in the vicinity.

Marine Institute Response

The Marine Institute acknowledges that the area under culture will be subject to change as a result of the deposition and subsequent culture of seed mussels. This is not in question. However, it should be noted that the habitat proposed for culture is predominantly sedimentary which is the dominant habitat type in the estuary. It is accepted that the area would be identified as suitable foraging habitat for Cormorant, however, it is likely that the introduction of mussel culture into the area will increase habitat heterogeneity which will likely result in an increase in the presence of fish in the immediate area. Mussels on the seabed have been shown to have a greater abundance of fish and

crustacean relative to adjacent sedimentary areas (Norling et al 2015; Sea et al 2022; see review by Callier et al 2017). The increased concentration of fish and crustaceans (both food for cormorant) as a result of bottom mussel culture is unlikely to significantly impact the population of cormorant originating from the Sovereign Island and the Cork Harbour SPAs.

Relating to the harmful trophic cascade effects as a result of dredging, it is difficult to resolve the link between bottom mussel culture (aquaculture) and the studies cited in the submissions which are wild fisheries from either enclosed shallow-water systems in Denmark or intertidal fisheries in the UK. Notwithstanding, none of the studies cited demonstrate lasting trophic changes or harm in the systems examined.

There will be impact resulting from aquaculture activities at the site. Mostly these relate to seabed changes in the culture site (relating to the addition and removal of culture species) and any sediment plumes resulting from dredging, which are likely to be short lived. On the basis of scientific research the impact on the benthos is likely to be contained broadly within the footprint of the site (Craeymeersch et al 2023). To this end, given there is no spatial overlap between the proposed activity and marine habitat Annex I features (e.g. 1130 and 1140) and the closest distance between extensive aquaculture activities and a marine SAC is 11.75 km (line of sight), the activity is not likely to impact on any Annex 1 habitats under Natura regulations.

Cumulative Impact (An Taisce, Friends of the Irish Environment, Submission 532)

The conclusion that cumulative impacts are unlikely is questioned. The statement that there are no likely cumulative effects, in the absence of any supporting information, is considered insufficient.

Marine Institute Response

The comment is noted and is addressed in the revised AA Screening. To this end, existing and proposed licensing activities in the vicinity of the proposed extensive shellfish culture activities have been reviewed (with access date). Those activities reviewed are:

- DHLGH Foreshore Licencing (<https://www.gov.ie/en/foreshore-notice/> - Accessed 01/10/2024)
- MARA – Foreshore - <https://www.maritimeregulator.ie/our-work/maritime-usage-licences/foreshore-applications/> - Accessed 01/10/2024)
- Cork County Council planning (Map Viewer Accessed 01/10/2024)
- EPA pressures maps (www.gis.epa.ie/EPAMaps/Water: Accessed: 12/12/2023)
- Inshore Fishing Maps (Ireland's Marine Atlas - <http://atlas.marine.ie/#?c=53.9108:-15.9082:6>: Accessed 01/10/2024)
- MARA - MAC Applications (Accessed 01/10/2024):
 - Applications Received - <https://www.maritimeregulator.ie/our-work/maritime-area-consents/applications-received/>
 - Applications Determined - <https://www.maritimeregulator.ie/our-work/maritime-area-consents/applications-determined/>
- MARA - Maritime Usage Licences (Accessed 01/10/2024):
 - Applications - MARA - <https://www.maritimeregulator.ie/our-work/maritime-usage-licences/applications/>

- Applications Determined - MARA - <https://www.maritimeregulator.ie/our-work/maritime-usage-licences/licence-applications-determined/>

The review of these sources has identified no existing activities on the foreshore or adjacent to the foreshore that may interact with the existing or proposed shellfish culture activities and result in in-combination effects, or more importantly, synergistic cumulative effects, such that those QIs already screened out may now be included. The result of this scan has meant that screening conclusions identified in the report are considered valid.

Furthermore, the broad list of ‘environmental problems’ identified in Submission 532 are difficult to ascribe solely to extensive aquaculture operations such as bottom mussel culture. The submission presents a generic list that may apply as much to intensive finfish culture as shellfish culture and while some effects may be observed, the overall scale of ecological impact resulting from the proposed activity at Site T05-472A is not considered significant.

Water Framework Directive and Water Quality (An Taisce, Friends of the Irish Environment)

The increase in suspended sediment as a result of dredging activity is identified as a risk to WFD physico-chemical and nutrient status.

Marine Institute Response

The WFD status of the Lower Bandon Estuary being less than Good is noted. It is important to note, as identified in the An Taisce submission, that the failure to meet Good ecological status is due to excess of nutrients in the water. This is a recurring issue in the region, wherein many transitional waterbodies in the Southwest are failing to meet Good status. It is likely linked to agricultural practices upstream. While dredging of mussels at the proposed site may cause the release of nutrients (nitrogen) into the water column, it is likely that any impact will be short-lived as a result of plume dispersion or tidal flushing. Also, it should be noted that shellfish, in culture, has been identified as a regulating service in marine systems, in particular as a result of their ability to capture and export nutrients (Smaal et al 2019). It is concluded that, given the relatively small size of the site in question and the sporadic nature of likely disturbing activity that the proposed activity does not pose any additional risk to the WFD status of the waterbody in question.

Eel grass (Coastwatch, Friends of the Irish Environment, Submission 62, Submission 327, Submission 357)

The impact on eel grass beds has been identified as under risk from the proposed activity.

Marine Institute Response

Anecdotal accounts have identified eel grass beds in the estuary, it would appear they are confined to subtidal portions of the waterbody from Charles Fort to Lower Cove (Robert Wilkes, EPA – pers communications). Previous surveys effort (e.g. Biomar) have indicated the presence of eel grass in the estuary, but exact locations are not confirmed. Assuming eel grass beds are not in close proximity to the proposed bottom culture area, the sediment plume generated by the dredger will be broadly confined to the licence area and unlikely to impact on eel grass beds along the east

boundary of the estuary. However, it should be noted that any sediment plume dispersion will be dependent on local hydrographic conditions (e.g., wind and tidal stream) at the time of the activity.

Mussel proliferation in the Harbour (Kinsale Chamber of Tourism and Business, Submission 5, Submission 234)

What controls are put in place to limit mussel 'growth' throughout the harbour?

Marine Institute Response

It is unclear what 'growth' is referred to in this instance. Mussels are typically sessile and cannot move large distances, therefore, dispersal of culture animals from the site is unlikely unless they are moved by storm surge or flooding activity. Blue Mussel is a native species which may result in recruitment in the estuary. It is likely that mussels are found throughout the estuary and any increase in recruitment is unlikely to impact on the wider ecology of the system.

Alien species disease introduction (Kinsale Chamber of Tourism and Business)

The introduction of alien taxa and diseases with aquaculture stock is highlighted as a risk.

Marine Institute Response

The stock is derived from seed beds in the Irish Sea which have been subject to monitoring of alien species by BIM. To the best of our knowledge, there have been no invasive alien taxa documented from this source (Gittenberger et al 2023). Oversight and management of bivalve diseases are covered in Ireland through the implementation of Regulation (EU) 2016/429, 'the Animal Health Law', as it relates to the health of aquaculture animals and the prevention and control of certain aquatic diseases. In addition, aquaculture operations subject to a fish health monitoring programme to test for diseases listed under Commission Implementing Regulation (EU) 2018/1882, and Commission Implementing Decision (EU) 2021/260, as well as other aquatic diseases of national importance.

Impact on marine mammals (Ocean Research & Conservation Ireland, Submission 114, Submission 327, Submission 357)

The submission identifies a number of risks to marine mammals from dredging operations.

Marine Institute response:

These risks identified seem to be specifically related to activities specific to maintenance or capital navigational dredging campaigns. The primary reason for this conclusion is the reference to the publication Todd et al (2015) which is specific to navigational dredging or plough dredging activities relating specifically to pipeline installation. There is no reference to dredging associated with fishing or aquaculture activities in this publication.

Notwithstanding, the aquaculture activities were subject to an Annex IV Risk Assessment¹ wherein it is concluded that the noise associated with aquaculture operations are broadly similar to normal

¹ RISK ASSESSMENT FOR ANNEX IV SPECIES - Extensive Aquaculture Kinsale Harbour, Co. Cork – Marine Institute, January 2024

vessel traffic. Given the likely sporadic attendance at the bottom mussel site and lack of overlap with cetaceans, the risk posed by the activity to cetaceans, to breed successfully, to ensure survival of the population, or to reduce the species natural range is considered not significant.

Impact on eel, Salmon and Sea trout (Coastwatch, Submission 436)

A study in Denmark identifying impacts of dredging on wild mussel beds is cited as a likely impact on salmon and sea trout. Eel are cited as sheltering between mussels.

Marine Institute Response:

The aforementioned studies in Denmark relate to fisheries on wild mussels and do not reference impact on fish species. The impact of bottom mussel cultivation on migrating salmonids has not been demonstrated. The activity is confined to the seafloor which presents no physical barrier to the outward migration of smolts. The structure provided by mussels on the seafloor may enhance feeding opportunities for seatrout. Finally, it has been demonstrated that salmon smolts do not appear to delay in estuarine areas (to feed) and engage in rapid migration to deeper coastal waters (Lilly et al 2023).

In relation to eel, the MI acknowledge that eel are likely a year around resident in estuarine areas. The MI are not aware of any specific studies citing the importance of mussel beds to eel. A single mesocosm (laboratory) study highlighted that mussel substrate was a preferred habitat when compared with gravels and sand (Schwartzbach et al 2020). Ongoing culture of mussels in the harbour may present a suitable refuge for eel in the harbour.

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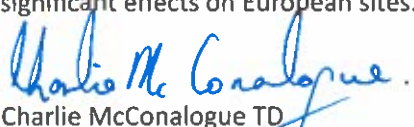
Screening Determination for Appropriate Assessment

Project Reference:

T05-472A at Kinsale Harbour, Co. Cork.

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'), the Department of Agriculture, Food and the Marine has undertaken Screening for Appropriate Assessment (AA) to assess, in view of best scientific knowledge and the conservation objectives of relevant European sites, if the proposed project at Kinsale Harbour, Co. Cork, individually or in combination with other plans or projects would be likely to have a significant effect on a European site.

In accordance with Regulation 42(7) of the EC (Birds and Natural habitats) Regulations 2011, SI 477, as amended, the Minister for Agriculture Food & the Marine has made a determination following screening that an Appropriate Assessment is **not** required as the project individually or in-combination with other plans or projects is not likely to have a significant effect on any European sites. The risk of likely significant effects on European sites **can** be excluded on the basis of objective evidence. This determination is based on the location, scale, extent and duration of the proposed development, including temporary works, and has not taken account of measures intended to avoid or reduce significant effects on European sites.

A handwritten signature in blue ink, reading "Charlie McConalogue".

Charlie McConalogue TD

Minister for Agriculture, Food and the Marine



T05-472A

AQUACULTURE LICENCE

AQUACULTURE MARINE SHELLFISH
SEA-BED CULTURE/BOTTOM CULTURE

Woodstown Bay Shellfish Limited
The Harbour
Dunmore East
Co. Waterford

TABLE OF CONTENTS

- 1. LICENSED AREA**
- 2. SPECIES, CULTIVATION AND METHOD LICENSED**
- 3. INFRASTRUCTURE AND SITE MANAGEMENT**
 - INDEMNITY
 - DESIGN, ARRANGEMENT AND MAINTENANCE OF STRUCTURES
 - OPERATIONAL CONDUCT
 - WASTE MANAGEMENT
 - INSPECTION
- 4. NAVIGATION AND SAFETY**
- 5. MONITORING**
- 6. FISH HEALTH / MORTALITY MANAGEMENT / MOVEMENT OF FISH**
 - FISH HEALTH REGULATIONS
 - DISPOSAL OF MORTALITIES
 - MOVEMENT OF FISH
- 7. DURATION, CESSATION, REVIEW, REVOCATION, AMENDMENT, ASSIGNMENT**
 - DURATION, CESSATION
 - REVIEW
 - REVOCATION, AMENDMENT
 - ASSIGNMENT
- 8. FEES**
- 9. GENERAL TERMS AND CONDITIONS**
 - NOTIFICATION
 - TAX CLEARANCE CERTIFICATE
 - COMPANIES AND CO-OPERATIVES
 - CLEARANCE OF SITE

SCHEDULE 1
SCHEDULE 2
SCHEDULE 3
SCHEDULE 4

T05-472A

AQUACULTURE LICENCE NO. XXXX

GRANTED UNDER THE FISHERIES (AMENDMENT) ACT, 1997 (NO. 23 of 1997)

The Minister for Agriculture, Food and the Marine (hereinafter referred to as the “Minister”), in exercise of the powers conferred on him by the Fisheries (Amendment) Act 1997 (No. 23 of 1997), (hereinafter referred to as the “Act”) grants an Aquaculture Licence to:

Woodstown Bay Shellfish Limited

The Harbour

Dunmore East

Co. Waterford

(hereinafter referred to as the “Licensee”) for the cultivation of mussels on a site in Kinsale Harbour, Co. Cork as specified in Schedule 1 attached (numbered T05-472A) and indicated by a red line on the attached map, as approved of by the Minister, subject to the Act and Regulations made under the Act and to the terms and conditions set out in the attached pages.

This Aquaculture Licence shall remain in force for a maximum period of XXXXX (XX) years commencing on XX XXXXXXXXXX 20XX, provided for so long as the Foreshore Licence granted on XX XXXXXXXXXX 20XX, under Section 3 (1) of the Foreshore Act 1933 (No.12 of 1933) in respect of the same site for the purpose referred to is in force.

A person authorised under Section 15(1)
of the Ministers and Secretaries Act 1924 to
authenticate the Seal of the Minister for
Agriculture, Food and the Marine.

TERMS AND CONDITIONS APPLYING TO THIS AQUACULTURE LICENCE

1. Licensed Area

- 1.1. The area specified in *Schedule 1* attached (23.1626 hectares) (labelled T05-472A) and outlined in red on the map(s) in *Schedule 1*.
- 1.2. The co-ordinates for the site are based on the Irish National Grid Co-ordinate System.

2. Species, Cultivation and Method Licensed

- 2.1. Species to be farmed: Mussels (*Mytilus edulis*)
- 2.2. Method: Bottom Culture subject to the stocking and/or deployment limits as may be specified in *Schedule 4* attached.
- 2.3. The introduction of seed to the site shall comply with the legislation relating to fish health.

3. Infrastructure and Site Management

Indemnity

- 3.1. The Licensee shall indemnify and keep indemnified the State, the Minister, his officers, servants or agents against all actions, loss, damage, costs, expenses and any demands or claims howsoever arising in connection with the construction, maintenance or use of any structures, apparatus, equipment, vessel or any other thing used in connection with the licensed operation in the licensed area or in the exercise of the rights granted under the licence and the Licensee shall take such steps as the Minister may specify in order to ensure compliance with this condition.
- 3.2. The duty of maintenance and responsibility for the upkeep and safety of the site rests with the Licensee.

Design, Arrangement and Maintenance of Structures

- 3.3. The Licensee shall ensure that any equipment is placed within the licensed area only. Storage or placement of equipment or stock on the foreshore or seashore outside the licensed area is not permitted under any circumstances.
- 3.4. The Licensee shall obtain the prior approval of the Minister to any proposed material change to the plans/drawings or equipment as approved being used during the licensing period as maybe specified in *Schedule 2* attached.
- 3.5. The Licensee shall at all times for the duration of the licence keep all equipment used for the purposes of the licensed operations in a good and proper state of repair and condition to the satisfaction of the Minister or other competent State authority.

- 3.6. The Licensee shall ensure that the ends of each fence in the licensed area legibly bear the Aquaculture Licence Number in an indelible weatherproof format.

Operational Conduct

- 3.7. The Licensee shall conduct its operations in a safe manner and with regard for other persons in the area and the environment and shall ensure that the operations are not injurious to adjacent lands or the public interest (including the environment) and do not interfere with navigation or other lawful activity in the vicinity of the licensed area, and shall comply with any lawful directions issued by the Minister and any other competent State authority in that regard.
- 3.8. The Licensee shall ensure that any aquaculture or other activity conducted under this licence does not adversely affect the integrity of the Natura 2000 network (if applicable) through the deterioration of natural habitats and the habitats of species and/or through disturbance of the species for which the area have been designated in so far as such a disturbance may be significant in relation to the stated conservation objectives of the site concerned.
- 3.9. If the shellfish are to be harvested using dredges, the Licensee shall ensure that only mussel dredges are used for harvesting the shellfish.
- 3.10. The Licensee shall ensure that all vessels, components thereof and all equipment used in connection with the licensed area are kept properly maintained.
- 3.11. The Licensee shall as soon as possible after the commencement of this licence advise the Department of the quantity of seed placed in the licensed area, the approximate date(s) of the placement and the source(s) of the seed placed and likewise thereafter as and when further seed is so placed.
- 3.12. The Licensee shall advise the Department on the 31st day of January 2026 and on each succeeding 31st day of January for each year during which this licence continues in force of the quantity of stock harvested in that year and the approximate date(s) of harvesting.

Waste Management

- 3.13. The Licensee shall ensure that the licensed and adjoining area shall be kept clear of all redundant structures (including apparatus and equipment), waste products and operational litter or debris and shall make provision for the prompt removal and proper disposal of such material. If the Licensee refuses or fails to do so, the Minister may cause the said structures, apparatus, equipment or other thing to be removed and the licensed area restored and shall be entitled to recover from the Licensee as a simple contract debt in any court of competent jurisdiction all costs and expenses incurred by him in connection with the removal and restoration.

Inspection

- 3.14. The licensed area and any equipment, structure, thing, or premises wherever situated used in connection with operations carried out in the licensed area shall be

open for inspection at any time by an authorised person (within the meaning of Section 292 of the Fisheries (Consolidation) Act, 1959 (No. 14 1959) (as amended by Fisheries Act 1980) (No.1 of 1980), a Sea Fisheries Protection Officer (within the meaning of Sea Fisheries and Maritime Jurisdiction Act 2006) (No. 8 of 2006) or any other person appointed in that regard by the Minister or other competent State authority.

- 3.15. The Licensee shall give all reasonable assistance to an authorised officer or Sea Fisheries Protection Officer or any person duly appointed by any competent State authority to enable the person or officer enter, inspect, examine, measure and test the licensed area and any equipment, structure, thing or premises used in connection with the operations carried out in the licensed area and to take whatever samples may be deemed appropriate by that person or officer.
- 3.16. The Licensee shall keep and maintain in the State for inspection on demand by the Minister or a competent State authority, at all times, records of all operations including compliance monitoring and any required follow up action. These records shall be produced by the Licensee on demand by the Minister or other competent State authority and in any event not later than 24 hours from the making of that demand.
- 3.17. The Licensee shall furnish to the Minister or other competent State authority in the form and at the intervals determined by the Minister or other competent State authority, such information relating to the licensed area as may be required to determine compliance by the Licensee with the terms of this licence and applicable legislation.

4. **Navigation and Safety**

- 4.1. The Licensee shall ensure that no hazard is caused to the safety of navigation across or near the licensed area in the use of any vessel or sea borne craft. The navigation and safety conditions are specified in *Schedule 3*.
- 4.2. The Minister's determination in respect of this licence is conditional upon immediate full compliance by the Licensee in respect of all requirements and conditions which are imposed under the relevant legal provisions applicable to the Marine Survey Office.
- 4.3. Prior to commencement of operation the Licensee shall inform the UK Hydrographic Office at Taunton, of the location and nature of the site in order that charts and nautical publications can be updated. Tel: 00 44 1823322352 Email sdr@ukho.gov.uk and the Licensee shall submit proof to the Department within 14 days of the date of this licence that the UK Hydrographic Office has been so informed.

5. **Monitoring**

5.1. The Licensee shall undertake and/or partake in annual and other monitoring, in particular environmental monitoring, as directed by the Minister or other competent State authority.

6. **Fish Health / Mortality Management / Movement of Fish**

Fish Health Regulations

6.1. Before the site is stocked the Licensee shall ensure that a Fish Health Authorisation under statutory provisions giving effect to Council Directive No. 2006/88/EC, as amended, or any other legislative act that replaces that Directive on animal health requirements for aquaculture animals and their products and on the prevention and control of certain diseases in aquatic animals, is in place.

Disposal of Mortalities

6.2. The Licensee shall dispose of dead fish in accordance with the applicable statutory provisions and requirements.

Movement of Fish

6.3. The Licensee shall comply with any regulation in force governing the movement of fish.

7. **Duration, Cessation, Review, Revocation, Amendment, Assignment**

Duration, Cessation

7.1. This Licence shall remain in force as long as the accompanying Foreshore Licence remains in force.

Review

7.2. The Licensee may apply for a review of the licence at any time after the expiration of three years since the granting of the licence or its last renewal in accordance with section 70 of the Act.

Revocation, Amendment

7.3. Subject to the Act, the Minister may revoke or amend the licence if:–

- (a) he considers that it is in the public interest to do so,
- (b) he is satisfied that there has been a breach of any condition specified in the licence e.g., operating outside the licensed area,
- (c) the licensed area to which the licence relates is not being properly maintained,
- (d) water quality results or general performance in the licensed area do not meet the standards set by the Minister or the competent State authority.

Assignment

7.4. This Licence shall not be assigned without the prior written consent of the Minister and may not be assigned during the period of three years, dating from the commencement or renewal of this licence, unless the Minister determines that it may be assigned under condition 7(5) or the provisions of condition set out in condition 7(6) applies.

7.5. A Licensee, who considers that there are exceptional reasons for the assignment of the Licence during the first three years, may apply to the Minister, giving those

reasons, for a determination that the Licence may be assigned. The Minister may, at his discretion, having considered the reasons given by the Licensee, determine whether or not the Licence may be assigned. The determination of the Minister in this regard is final.

7.6. Where the Licensee is a company (within the meaning of the Companies Acts) and goes into Liquidation (within the meaning of the Companies Acts) in the first three years dating from the commencement of the licence, the Liquidator shall, with the consent of the Minister, be entitled to assign the licence to enable him to discharge any debts of the liquidated company.

7.7. This licence is issued subject to any order that the High Court may make under section 218 of the Companies Act 1963 or otherwise with regard to the assignment of this licence.

8. **Fees**

8.1. The Licensee shall pay to the Minister an annual aquaculture licence fee in accordance with the Aquaculture (Licence Application and Licence Fees) Regulations 1998 (S.I. No. 270/1998) as amended by the Aquaculture (Licence Fees) Regulations 2000 (S.I. No. 282 of 2000) or an amount payable under Regulations made under section 64 of the Act.

8.2. The Minister may revoke the licence where the Licensee fails to pay the aquaculture licence fees on demand.

9. **General Terms and Conditions**

9.1. The Licensee shall at all times comply with all laws and protocols applicable to aquaculture operations.

9.2. Any reference to a statute or to an act of any institution of the European Union (whether specifically named or not) includes any amendments or re-enactments in force and all statutory instruments, orders, notices, regulations, directions, bye-laws, certificates, permissions and plans made, issued or given effect under such legislation shall remain valid.

9.3. If any condition or part of a condition in this licence is held to be illegal or unenforceable in whole or in part, such condition shall be deemed not to form part of this licence but the enforceability of the remainder of this licence is not affected.

9.4. The Licensee shall at all times hold all necessary licences, consents, permissions, permits or authorisations associated with any activities of the Licensee in connection with the licensed area.

Notification

9.5. Without prejudice to any other remedy under the licence or in law, if the Minister is of the view that the Licensee is in breach of any obligation under this licence, the Minister may, by notice in writing, require that the Licensee rectifies such breach,

within such time as is specified by the Minister. The Licensee shall comply with any direction of the Minister within the time specified in the notice.

9.6. Any notice to be given by the Minister may be transmitted through the Post Office addressed to the Licensee at the last known address of the Licensee.

9.7. The Licensee shall notify the Department within 7 days of any change in the Licensee's address, telephone, e-mail or facsimile number.

Tax Clearance Certificate

9.8. During the term of this licence the Licensee shall provide to the Minister on demand a current tax clearance certificate.

Companies and Co-operatives

9.9. In the event of the licence being granted to a company (within the meaning of the Companies Acts), control of the licensee company shall not change in any respect from the control of the company as existed on the date that the licence was granted so long as this licence shall remain in force save with the prior written permission of the Minister.

9.10. In the event of a licence being granted to a company that has been incorporated outside this State, the licensee company shall register with the Companies Registration Office within one month of the establishment of a place of business in the State or alternatively, within one month of the establishment of a branch of the said company in the State and the licensee company shall submit proof to the Department within 14 days of the end of that month that it has been so registered.

9.11. Where the Licensee is a Company within the meaning of the Companies Acts, the licensee company shall ensure that it does not become dissolved within the meaning of the Companies Acts for so long as this licence shall remain in force.

9.12. In the event of the licence being granted to a society (within the meaning of section 2 of the Industrial and Provident Societies (Amendment) Act 1978 (No.23 of 1978) the following conditions shall apply:-

9.12.1 The rules relating to membership of the society shall enable any resident of the State to become a member of it where the resident fulfils all the conditions laid down by the society for membership of it and the rules shall not lay down different conditions for different classes of people;

9.12.2 The rules relating to the society as submitted to the Minister before the grant of this licence shall not be amended subsequently other than with the written permission of the Minister; and

9.12.3 The Minister may, if he considers it necessary in the interests of good management of the licensed area, direct that an amendment may be made to the rules of the society and the Licensee shall amend the rules in accordance with that direction.

Clearance of Site

- 9.13. The Licensee shall, at the Licensee's own expense, if so required by written notice from the Minister and within three weeks after receipt of such notice or on cessation of the licence for any other cause, remove the structures, apparatus, equipment or any other thing to the satisfaction of the Minister. If the Licensee refuses or fails to do so, the Minister may cause the said structures, apparatus, equipment or other thing to be removed and the licensed area restored and shall be entitled to recover from the Licensee as a simple contract debt in any court of competent jurisdiction all costs and expenses incurred by him in connection with the removal and restoration. The Licensee shall take such steps as the Minister may specify in order to secure compliance with this condition.

DRAFT

SCHEDULE 1

Schedule 1 contains:

- **the co-ordinates of the site based on the Irish National Grid Co-ordinate System and the area of the site**
- **site map(s)**
- **a chart showing the location of the site in relation to the surrounding area.**

DRAFT

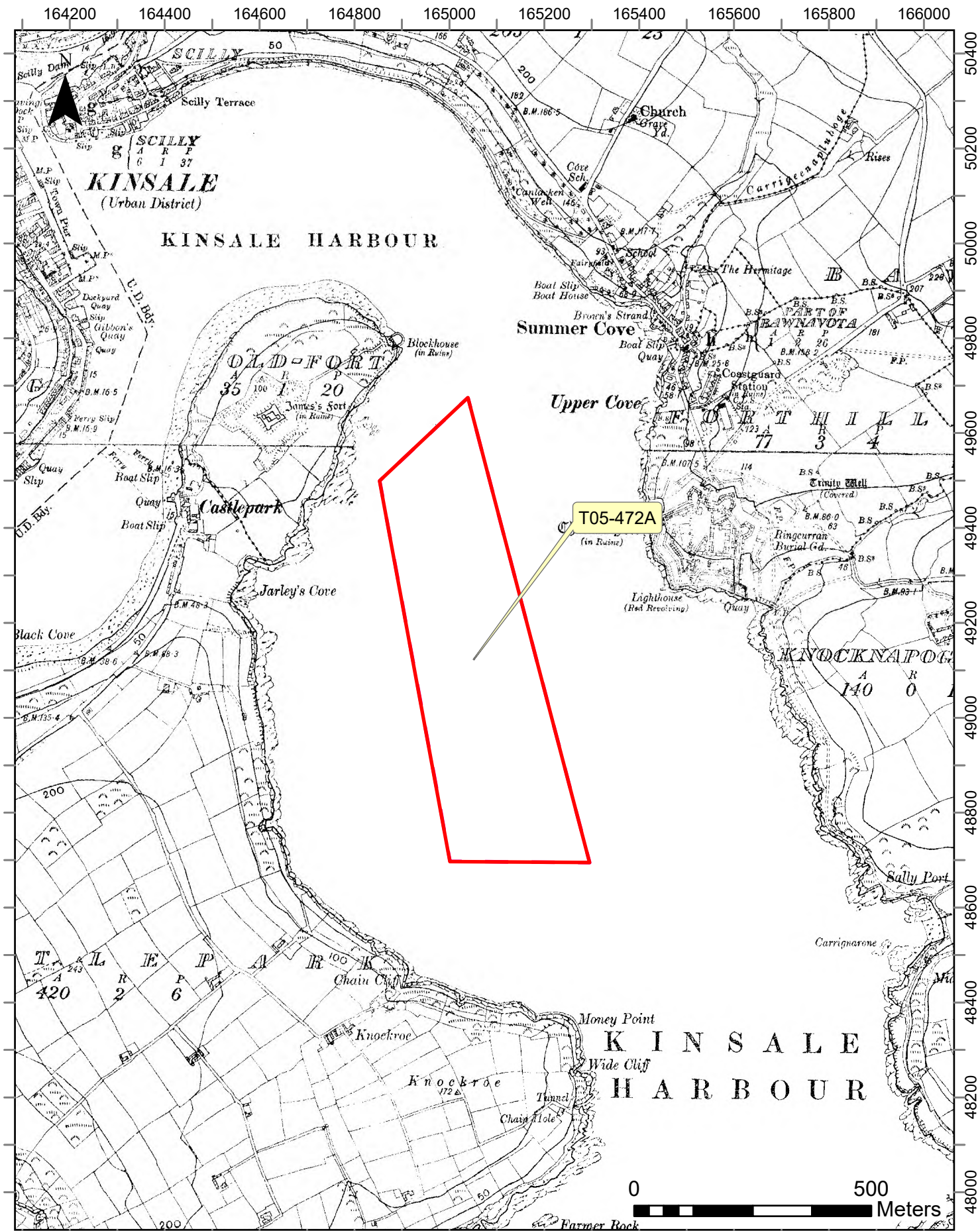
Site Area & Co-ordinates

Site ref. T05-472A at Kinsale Harbour, Co. Cork

Licence Area for Site T05-472A is 23.16 Ha

The area seaward of the high water mark and enclosed by a line drawn from Irish National Grid Reference point

164853, 049499	to Irish National Grid Reference point
165039, 049675	to Irish National Grid Reference point
165295, 048695	to Irish National Grid Reference point
165001, 048697	to the first mentioned point.



Legend

Subject Site

Adjacent Sites

Application

Licensed

CYAL50377744 © Tailte Éireann - Surveying

Scale (@ A4): 1:10,560

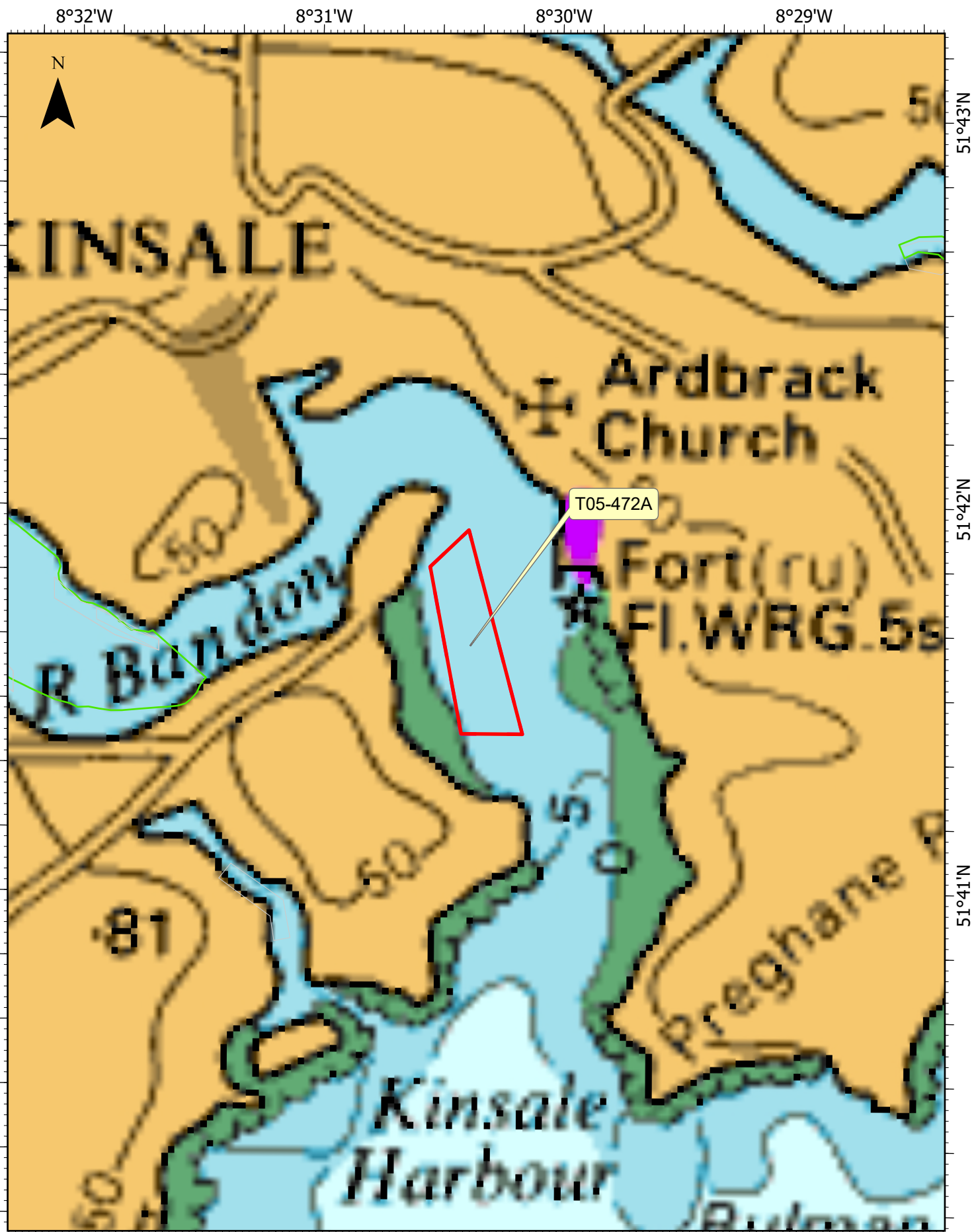
Date: 31/03/2025



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

Ordnance Survey Map

Aquaculture Site: **T05-472A**



Legend

Adjacent Sites

- Application
- Licensed



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

Admiralty Chart

Aquaculture Site: **T05-472A**

Part of Admiralty Charts - Not to be used for Navigation

Scale (@ A4): 1:24,000

Date: 31/03/2025

SCHEDULE 2

- **the approved plans and drawing(s) (if applicable)**
 1. Bottom Culture (no structures) – therefore, not applicable.

DRAFT

SCHEDULE 3

Navigation and Safety Conditions.

- No navigable inter-tidal channels or the nearby slip/pier to be impeded by the development.
- No obstructions of any kind above the seabed.
- No moorings or marker buoys to be placed on the site.
- The observations made by the Nautical Surveyor regarding anchoring and the rules for surface navigation should be clearly noted.

DRAFT

SCHEDULE 4

Schedule 4 contains conditions specific to this licence:

- **the stocking and/or equipment deployment conditions (if applicable).**
- The source of seed/stock, where applicable, must be approved by the Department of Agriculture Food and the Marine. Any change to the source(s) of seed/stock must be approved in advance by the Department of Agriculture Food and the Marine.
- The Licence holder must contact the local Sea Fisheries Protection Authority (SFPA) office to organise a classification and biotoxin monitoring programme for the site.
- All requirements of the SFPA must be complied with including the need to have classification assigned prior to commencing operations.
- Prior to the commencement of operations at the site the Licensee is required to prepare a Contingency Plan for the approval of the Department of Agriculture Food and the Marine which shall identify, inter alia, methods for the removal from the environment of any invasive non-native species introduced as a result of operations at this site. If such an event occurs, the contingency plan shall be implemented immediately.
- The locations for vessel unloading are Youghal and Dunmore East.
- The Port of Kinsale Harbour Master should be notified prior to dredging operations.
- The applicant will forward to Cork County Council, as the Port Authority for Kinsale Harbour, details of their operating plan.
- The applicant will submit annual bathymetric surveys of the harbour to Cork County Council, in order to monitor potential depths variations due to dredging operations and/or uncontrolled growth of shellfish.
- In the event of an emergency the proposed site and adjacent beach will be used for the safe 'beaching' of vessels.

- Dredging operations will not be permitted during the months of June, July and August.
- In order to mitigate the risk of damage to any previously unrecorded archaeological remains, a Protocol for Archaeological Discoveries (PAD) shall be prepared to mitigate impacts in the event of any unexpected archaeological discoveries during aquaculture works. This protocol will also include appropriate archaeological briefings for all personnel involved in the activities associated with the proposed scope of works. The PAD shall be agreed in advance of the commencement of any aquaculture works with the National Monuments Service of the Department of Housing, Local Government and Heritage.

DRAFT

Lanigan, Aoife

From: Naughton, Maria
Sent: Thursday 22 May 2025 11:58
To: [REDACTED]
Cc: Barry, Karen
Subject: Ministerial decision to grant T05-472A
Attachments: Public Notice.pdf; T05-472A Determination of Aquaculture Licensing Application (New) 16 May 2025.pdf; Draft AQ Licence.pdf; Information Note.pdf

Tracking:	Recipient	Delivery
	[REDACTED]	
	[REDACTED]	
	Barry, Karen	Delivered: 22/05/2025 11:58

Dear Naomi/Paul

I would like to inform you that the Minister for Agriculture, Food and the Marine has approved the granting to you of a 10-year Aquaculture Licence, for the cultivation of mussels using bottom culture method on site no. T05-472A (see attached information note). I enclose a copy of the public notice of the decision which **the Department** has arranged to have published in “ **The Southern Star**”.

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

Note: As marine aquaculture operations require separate Aquaculture and Foreshore Licences, a separate determination on the foreshore licence application will be made once the licensing authority, or if appealed, ALAB have made a determination on the aquaculture licence application.

Please also find attached a **draft** copy of the Aquaculture Licence for your attention.

Regards
Maria

Maria Naughton
EO, Aquaculture and Foreshore Management Division

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

National Seafood Centre, Clogheen, Clonakilty, Co. Cork, P845 TX47
An Lárionad Bia Mara Náisiúnta, An Cloichín, Cloich na Coillte, Corcaigh, P85 TX47

[REDACTED]
www.agriculture.gov.ie

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

The Minister for Agriculture, Food and the Marine has made a determination on the Aquaculture Licence application as set out in the table below in Kinsale Harbour, Co. Cork.

Site Ref No	Applicant	Species & Method	Minister's Decision
T05-472A	Woodstown Bay Shellfish Ltd The Harbour Dunmore East Co Waterford	Mussels using bottom culture method	Grant Licence

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

<https://www.gov.ie/en/department-of-agriculture-food-and-the-marine/collections/aquacultureforeshore-licence-applications-cork/#kinsale-harbour-may-2021>

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

As marine aquaculture operations require separate Aquaculture and Foreshore Licences, a separate determination on the foreshore licence application will be made once the licensing authority, or if appealed, the Aquaculture Licences Appeals Board (ALAB) have made a determination on the aquaculture licence application.

**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: T05-472A

APPLICANT: Woodstown Bay Shellfish Ltd

**AQUACULTURE TO WHICH
DECISION RELATES:** Cultivation of mussels using bottom culture method
on site T05-472A on the foreshore in Kinsale
Harbour, Co. Cork.

NATURE OF DECISION: Grant of Aquaculture Licence.

DATE OF DECISION: 16th May 2025

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 (ALAB) within that period,
under Section 40 and 41 of the Fisheries
(Amendment) Act, 1997.

Note: As marine aquaculture operations require separate Aquaculture and Foreshore
Licences, a separate determination on the foreshore licence application will be made
once the licensing authority, or if appealed, the Aquaculture Licences Appeals Board
(ALAB) have made a determination on the aquaculture licence application.

"Determination of Aquaculture Licensing application –T05-472A

Woodstown Bay Shellfish Limited has applied for authorisation to cultivate mussels using bottom culture on the sub-tidal foreshore on a 23.1626 hectare site (T05-472A) in Kinsale Harbour, Co. Cork.

The Minister for Agriculture, Food and the Marine has determined that it is in the public interest to grant the licence 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. The following are the reasons and considerations for the Minister's determination to grant the licence sought: -

- a. Scientific advice is to the effect that the waters are suitable;*
- b. Public access to recreational and other activities can be accommodated by this project;*
- c. The proposed development should have a positive effect on the economy of the local area;*
- d. All issues raised during Public and Statutory consultation phase;*
- e. There are no effects anticipated on the man-made environment heritage of value in the area;*
- f. No significant effects arise regarding wild fisheries;*
- g. The proposed aquaculture activities do not spatially overlap with Natura 2000 sites and there should be no significant impacts on the nearest Natura site.*
- h. No significant impacts on the marine environment and the quality status of the area will not be adversely impacted;*
- i. The Aquaculture licence contains terms and conditions which reflect the environmental protection required under EU and National law."*



T05-472A

AQUACULTURE LICENCE

AQUACULTURE MARINE SHELLFISH
SEA-BED CULTURE/BOTTOM CULTURE

Woodstown Bay Shellfish Limited
The Harbour
Dunmore East
Co. Waterford

TABLE OF CONTENTS

- 1. LICENSED AREA**
- 2. SPECIES, CULTIVATION AND METHOD LICENSED**
- 3. INFRASTRUCTURE AND SITE MANAGEMENT**
 - INDEMNITY
 - DESIGN, ARRANGEMENT AND MAINTENANCE OF STRUCTURES
 - OPERATIONAL CONDUCT
 - WASTE MANAGEMENT
 - INSPECTION
- 4. NAVIGATION AND SAFETY**
- 5. MONITORING**
- 6. FISH HEALTH / MORTALITY MANAGEMENT / MOVEMENT OF FISH**
 - FISH HEALTH REGULATIONS
 - DISPOSAL OF MORTALITIES
 - MOVEMENT OF FISH
- 7. DURATION, CESSATION, REVIEW, REVOCATION, AMENDMENT, ASSIGNMENT**
 - DURATION, CESSATION
 - REVIEW
 - REVOCATION, AMENDMENT
 - ASSIGNMENT
- 8. FEES**
- 9. GENERAL TERMS AND CONDITIONS**
 - NOTIFICATION
 - TAX CLEARANCE CERTIFICATE
 - COMPANIES AND CO-OPERATIVES
 - CLEARANCE OF SITE

SCHEDULE 1
SCHEDULE 2
SCHEDULE 3
SCHEDULE 4

T05-472A

AQUACULTURE LICENCE NO. XXXX

GRANTED UNDER THE FISHERIES (AMENDMENT) ACT, 1997 (NO. 23 of 1997)

The Minister for Agriculture, Food and the Marine (hereinafter referred to as the “Minister”), in exercise of the powers conferred on him by the Fisheries (Amendment) Act 1997 (No. 23 of 1997), (hereinafter referred to as the “Act”) grants an Aquaculture Licence to:

Woodstown Bay Shellfish Limited

The Harbour

Dunmore East

Co. Waterford

(hereinafter referred to as the “Licensee”) for the cultivation of mussels on a site in Kinsale Harbour, Co. Cork as specified in Schedule 1 attached (numbered T05-472A) and indicated by a red line on the attached map, as approved of by the Minister, subject to the Act and Regulations made under the Act and to the terms and conditions set out in the attached pages.

This Aquaculture Licence shall remain in force for a maximum period of XXXXX (XX) years commencing on XX XXXXXXXXXX 20XX, provided for so long as the Foreshore Licence granted on XX XXXXXXXXXX 20XX, under Section 3 (1) of the Foreshore Act 1933 (No.12 of 1933) in respect of the same site for the purpose referred to is in force.

A person authorised under Section 15(1)
of the Ministers and Secretaries Act 1924 to
authenticate the Seal of the Minister for
Agriculture, Food and the Marine.

TERMS AND CONDITIONS APPLYING TO THIS AQUACULTURE LICENCE

1. Licensed Area

- 1.1. The area specified in *Schedule 1* attached (23.1626 hectares) (labelled T05-472A) and outlined in red on the map(s) in *Schedule 1*.
- 1.2. The co-ordinates for the site are based on the Irish National Grid Co-ordinate System.

2. Species, Cultivation and Method Licensed

- 2.1. Species to be farmed: Mussels (*Mytilus edulis*)
- 2.2. Method: Bottom Culture subject to the stocking and/or deployment limits as may be specified in *Schedule 4* attached.
- 2.3. The introduction of seed to the site shall comply with the legislation relating to fish health.

3. Infrastructure and Site Management

Indemnity

- 3.1. The Licensee shall indemnify and keep indemnified the State, the Minister, his officers, servants or agents against all actions, loss, damage, costs, expenses and any demands or claims howsoever arising in connection with the construction, maintenance or use of any structures, apparatus, equipment, vessel or any other thing used in connection with the licensed operation in the licensed area or in the exercise of the rights granted under the licence and the Licensee shall take such steps as the Minister may specify in order to ensure compliance with this condition.
- 3.2. The duty of maintenance and responsibility for the upkeep and safety of the site rests with the Licensee.

Design, Arrangement and Maintenance of Structures

- 3.3. The Licensee shall ensure that any equipment is placed within the licensed area only. Storage or placement of equipment or stock on the foreshore or seashore outside the licensed area is not permitted under any circumstances.
- 3.4. The Licensee shall obtain the prior approval of the Minister to any proposed material change to the plans/drawings or equipment as approved being used during the licensing period as maybe specified in *Schedule 2* attached.
- 3.5. The Licensee shall at all times for the duration of the licence keep all equipment used for the purposes of the licensed operations in a good and proper state of repair and condition to the satisfaction of the Minister or other competent State authority.

- 3.6. The Licensee shall ensure that the ends of each fence in the licensed area legibly bear the Aquaculture Licence Number in an indelible weatherproof format.

Operational Conduct

- 3.7. The Licensee shall conduct its operations in a safe manner and with regard for other persons in the area and the environment and shall ensure that the operations are not injurious to adjacent lands or the public interest (including the environment) and do not interfere with navigation or other lawful activity in the vicinity of the licensed area, and shall comply with any lawful directions issued by the Minister and any other competent State authority in that regard.
- 3.8. The Licensee shall ensure that any aquaculture or other activity conducted under this licence does not adversely affect the integrity of the Natura 2000 network (if applicable) through the deterioration of natural habitats and the habitats of species and/or through disturbance of the species for which the area have been designated in so far as such a disturbance may be significant in relation to the stated conservation objectives of the site concerned.
- 3.9. If the shellfish are to be harvested using dredges, the Licensee shall ensure that only mussel dredges are used for harvesting the shellfish.
- 3.10. The Licensee shall ensure that all vessels, components thereof and all equipment used in connection with the licensed area are kept properly maintained.
- 3.11. The Licensee shall as soon as possible after the commencement of this licence advise the Department of the quantity of seed placed in the licensed area, the approximate date(s) of the placement and the source(s) of the seed placed and likewise thereafter as and when further seed is so placed.
- 3.12. The Licensee shall advise the Department on the 31st day of January 2026 and on each succeeding 31st day of January for each year during which this licence continues in force of the quantity of stock harvested in that year and the approximate date(s) of harvesting.

Waste Management

- 3.13. The Licensee shall ensure that the licensed and adjoining area shall be kept clear of all redundant structures (including apparatus and equipment), waste products and operational litter or debris and shall make provision for the prompt removal and proper disposal of such material. If the Licensee refuses or fails to do so, the Minister may cause the said structures, apparatus, equipment or other thing to be removed and the licensed area restored and shall be entitled to recover from the Licensee as a simple contract debt in any court of competent jurisdiction all costs and expenses incurred by him in connection with the removal and restoration.

Inspection

- 3.14. The licensed area and any equipment, structure, thing, or premises wherever situated used in connection with operations carried out in the licensed area shall be

open for inspection at any time by an authorised person (within the meaning of Section 292 of the Fisheries (Consolidation) Act, 1959 (No. 14 1959) (as amended by Fisheries Act 1980) (No.1 of 1980), a Sea Fisheries Protection Officer (within the meaning of Sea Fisheries and Maritime Jurisdiction Act 2006) (No. 8 of 2006) or any other person appointed in that regard by the Minister or other competent State authority.

- 3.15. The Licensee shall give all reasonable assistance to an authorised officer or Sea Fisheries Protection Officer or any person duly appointed by any competent State authority to enable the person or officer enter, inspect, examine, measure and test the licensed area and any equipment, structure, thing or premises used in connection with the operations carried out in the licensed area and to take whatever samples may be deemed appropriate by that person or officer.
- 3.16. The Licensee shall keep and maintain in the State for inspection on demand by the Minister or a competent State authority, at all times, records of all operations including compliance monitoring and any required follow up action. These records shall be produced by the Licensee on demand by the Minister or other competent State authority and in any event not later than 24 hours from the making of that demand.
- 3.17. The Licensee shall furnish to the Minister or other competent State authority in the form and at the intervals determined by the Minister or other competent State authority, such information relating to the licensed area as may be required to determine compliance by the Licensee with the terms of this licence and applicable legislation.

4. **Navigation and Safety**

- 4.1. The Licensee shall ensure that no hazard is caused to the safety of navigation across or near the licensed area in the use of any vessel or sea borne craft. The navigation and safety conditions are specified in *Schedule 3*.
- 4.2. The Minister's determination in respect of this licence is conditional upon immediate full compliance by the Licensee in respect of all requirements and conditions which are imposed under the relevant legal provisions applicable to the Marine Survey Office.
- 4.3. Prior to commencement of operation the Licensee shall inform the UK Hydrographic Office at Taunton, of the location and nature of the site in order that charts and nautical publications can be updated. Tel: 00 44 1823322352 Email sdr@ukho.gov.uk and the Licensee shall submit proof to the Department within 14 days of the date of this licence that the UK Hydrographic Office has been so informed.

5. **Monitoring**

5.1. The Licensee shall undertake and/or partake in annual and other monitoring, in particular environmental monitoring, as directed by the Minister or other competent State authority.

6. **Fish Health / Mortality Management / Movement of Fish**

Fish Health Regulations

6.1. Before the site is stocked the Licensee shall ensure that a Fish Health Authorisation under statutory provisions giving effect to Council Directive No. 2006/88/EC, as amended, or any other legislative act that replaces that Directive on animal health requirements for aquaculture animals and their products and on the prevention and control of certain diseases in aquatic animals, is in place.

Disposal of Mortalities

6.2. The Licensee shall dispose of dead fish in accordance with the applicable statutory provisions and requirements.

Movement of Fish

6.3. The Licensee shall comply with any regulation in force governing the movement of fish.

7. **Duration, Cessation, Review, Revocation, Amendment, Assignment**

Duration, Cessation

7.1. This Licence shall remain in force as long as the accompanying Foreshore Licence remains in force.

Review

7.2. The Licensee may apply for a review of the licence at any time after the expiration of three years since the granting of the licence or its last renewal in accordance with section 70 of the Act.

Revocation, Amendment

7.3. Subject to the Act, the Minister may revoke or amend the licence if:–

- (a) he considers that it is in the public interest to do so,
- (b) he is satisfied that there has been a breach of any condition specified in the licence e.g., operating outside the licensed area,
- (c) the licensed area to which the licence relates is not being properly maintained,
- (d) water quality results or general performance in the licensed area do not meet the standards set by the Minister or the competent State authority.

Assignment

7.4. This Licence shall not be assigned without the prior written consent of the Minister and may not be assigned during the period of three years, dating from the commencement or renewal of this licence, unless the Minister determines that it may be assigned under condition 7(5) or the provisions of condition set out in condition 7(6) applies.

7.5. A Licensee, who considers that there are exceptional reasons for the assignment of the Licence during the first three years, may apply to the Minister, giving those

reasons, for a determination that the Licence may be assigned. The Minister may, at his discretion, having considered the reasons given by the Licensee, determine whether or not the Licence may be assigned. The determination of the Minister in this regard is final.

7.6. Where the Licensee is a company (within the meaning of the Companies Acts) and goes into Liquidation (within the meaning of the Companies Acts) in the first three years dating from the commencement of the licence, the Liquidator shall, with the consent of the Minister, be entitled to assign the licence to enable him to discharge any debts of the liquidated company.

7.7. This licence is issued subject to any order that the High Court may make under section 218 of the Companies Act 1963 or otherwise with regard to the assignment of this licence.

8. **Fees**

8.1. The Licensee shall pay to the Minister an annual aquaculture licence fee in accordance with the Aquaculture (Licence Application and Licence Fees) Regulations 1998 (S.I. No. 270/1998) as amended by the Aquaculture (Licence Fees) Regulations 2000 (S.I. No. 282 of 2000) or an amount payable under Regulations made under section 64 of the Act.

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9.1. The Licensee shall at all times comply with all laws and protocols applicable to aquaculture operations.

9.2. Any reference to a statute or to an act of any institution of the European Union (whether specifically named or not) includes any amendments or re-enactments in force and all statutory instruments, orders, notices, regulations, directions, bye-laws, certificates, permissions and plans made, issued or given effect under such legislation shall remain valid.

9.3. If any condition or part of a condition in this licence is held to be illegal or unenforceable in whole or in part, such condition shall be deemed not to form part of this licence but the enforceability of the remainder of this licence is not affected.

9.4. The Licensee shall at all times hold all necessary licences, consents, permissions, permits or authorisations associated with any activities of the Licensee in connection with the licensed area.

Notification

9.5. Without prejudice to any other remedy under the licence or in law, if the Minister is of the view that the Licensee is in breach of any obligation under this licence, the Minister may, by notice in writing, require that the Licensee rectifies such breach,

within such time as is specified by the Minister. The Licensee shall comply with any direction of the Minister within the time specified in the notice.

9.6. Any notice to be given by the Minister may be transmitted through the Post Office addressed to the Licensee at the last known address of the Licensee.

9.7. The Licensee shall notify the Department within 7 days of any change in the Licensee's address, telephone, e-mail or facsimile number.

Tax Clearance Certificate

9.8. During the term of this licence the Licensee shall provide to the Minister on demand a current tax clearance certificate.

Companies and Co-operatives

9.9. In the event of the licence being granted to a company (within the meaning of the Companies Acts), control of the licensee company shall not change in any respect from the control of the company as existed on the date that the licence was granted so long as this licence shall remain in force save with the prior written permission of the Minister.

9.10. In the event of a licence being granted to a company that has been incorporated outside this State, the licensee company shall register with the Companies Registration Office within one month of the establishment of a place of business in the State or alternatively, within one month of the establishment of a branch of the said company in the State and the licensee company shall submit proof to the Department within 14 days of the end of that month that it has been so registered.

9.11. Where the Licensee is a Company within the meaning of the Companies Acts, the licensee company shall ensure that it does not become dissolved within the meaning of the Companies Acts for so long as this licence shall remain in force.

9.12. In the event of the licence being granted to a society (within the meaning of section 2 of the Industrial and Provident Societies (Amendment) Act 1978 (No.23 of 1978) the following conditions shall apply:-

9.12.1 The rules relating to membership of the society shall enable any resident of the State to become a member of it where the resident fulfils all the conditions laid down by the society for membership of it and the rules shall not lay down different conditions for different classes of people;

9.12.2 The rules relating to the society as submitted to the Minister before the grant of this licence shall not be amended subsequently other than with the written permission of the Minister; and

9.12.3 The Minister may, if he considers it necessary in the interests of good management of the licensed area, direct that an amendment may be made to the rules of the society and the Licensee shall amend the rules in accordance with that direction.

Clearance of Site

- 9.13. The Licensee shall, at the Licensee's own expense, if so required by written notice from the Minister and within three weeks after receipt of such notice or on cessation of the licence for any other cause, remove the structures, apparatus, equipment or any other thing to the satisfaction of the Minister. If the Licensee refuses or fails to do so, the Minister may cause the said structures, apparatus, equipment or other thing to be removed and the licensed area restored and shall be entitled to recover from the Licensee as a simple contract debt in any court of competent jurisdiction all costs and expenses incurred by him in connection with the removal and restoration. The Licensee shall take such steps as the Minister may specify in order to secure compliance with this condition.

DRAFT

SCHEDULE 1

Schedule 1 contains:

- **the co-ordinates of the site based on the Irish National Grid Co-ordinate System and the area of the site**
- **site map(s)**
- **a chart showing the location of the site in relation to the surrounding area.**

DRAFT

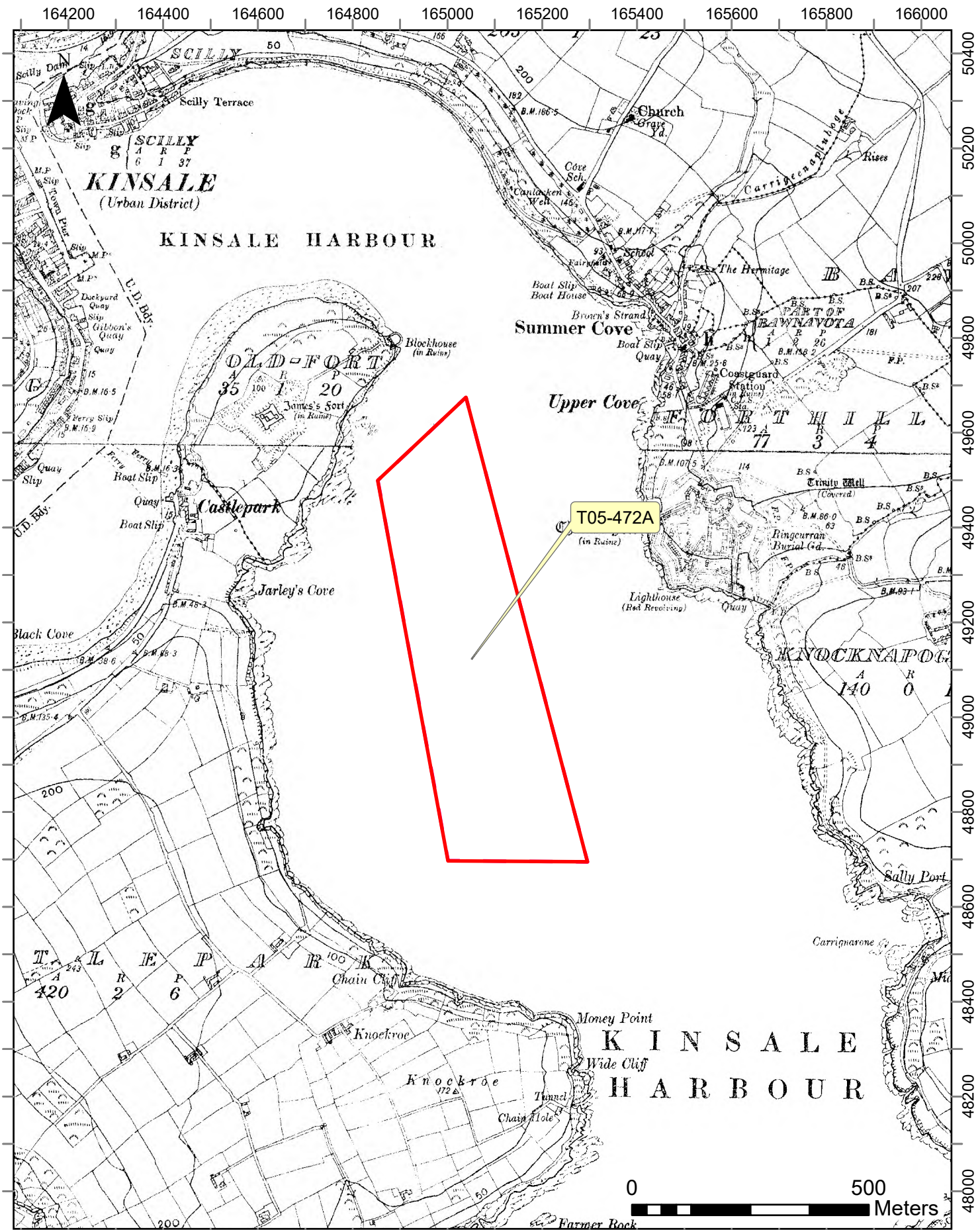
Site Area & Co-ordinates

Site ref. T05-472A at Kinsale Harbour, Co. Cork

Licence Area for Site T05-472A is 23.16 Ha

The area seaward of the high water mark and enclosed by a line drawn from Irish National Grid Reference point

164853, 049499	to Irish National Grid Reference point
165039, 049675	to Irish National Grid Reference point
165295, 048695	to Irish National Grid Reference point
165001, 048697	to the first mentioned point.



Legend

Subject Site

Adjacent Sites

Application

Licensed



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

CYAL50377744 © Tailte Éireann - Surveying

Scale (@ A4): 1:10,560

Date: 31/03/2025

Ordnance Survey Map

Aquaculture Site: **T05-472A**



Legend

Adjacent Sites

- Application
- Licensed



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

Admiralty Chart

Aquaculture Site: **T05-472A**

Part of Admiralty Charts - Not to be used for Navigation

Scale (@ A4): 1:24,000

Date: 31/03/2025

SCHEDULE 2

- **the approved plans and drawing(s) (if applicable)**
 1. Bottom Culture (no structures) – therefore, not applicable.

DRAFT

SCHEDULE 3

Navigation and Safety Conditions.

- No navigable inter-tidal channels or the nearby slip/pier to be impeded by the development.
- No obstructions of any kind above the seabed.
- No moorings or marker buoys to be placed on the site.
- The observations made by the Nautical Surveyor regarding anchoring and the rules for surface navigation should be clearly noted.

DRAFT

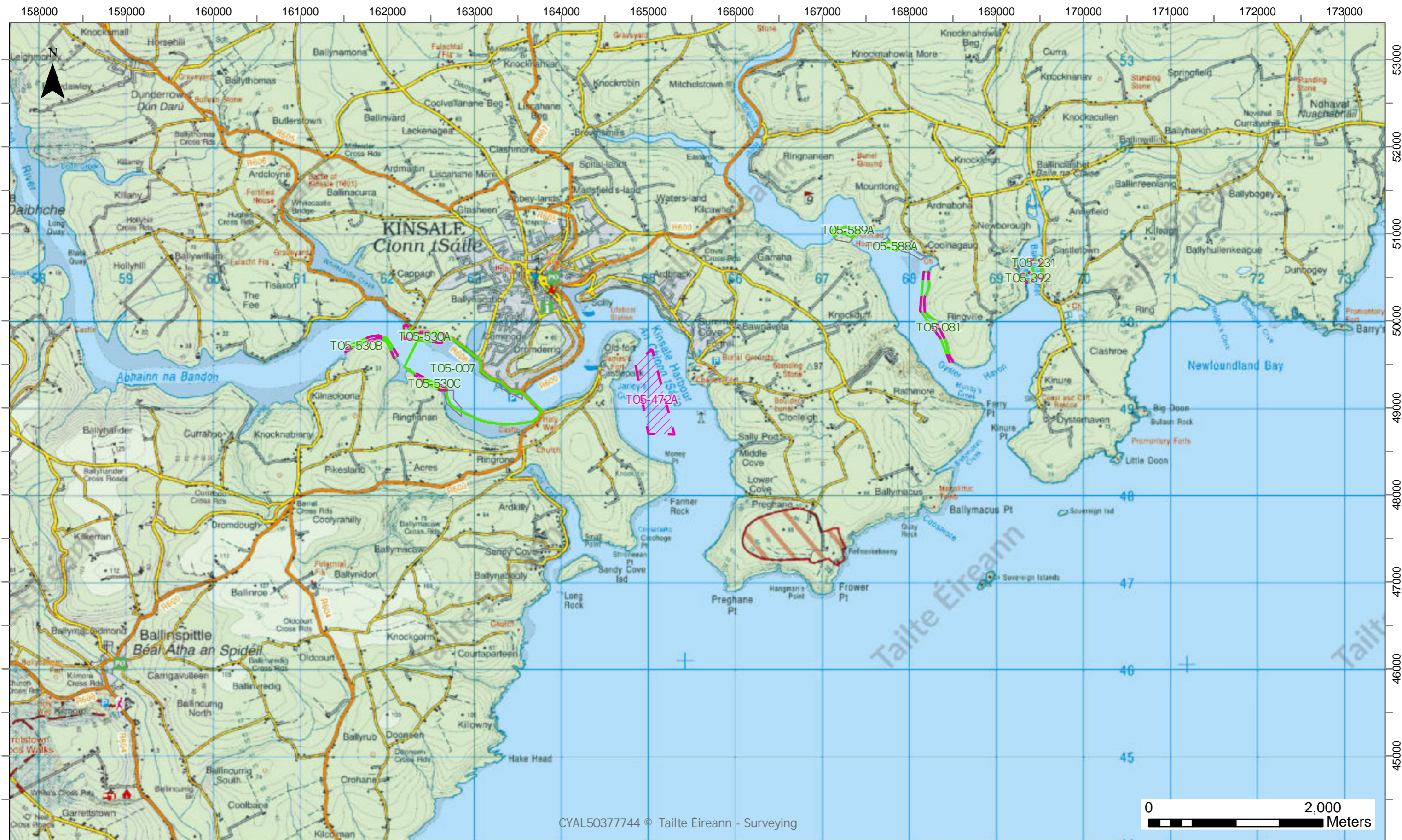
SCHEDULE 4

Schedule 4 contains conditions specific to this licence:

- **the stocking and/or equipment deployment conditions (if applicable).**
- The source of seed/stock, where applicable, must be approved by the Department of Agriculture Food and the Marine. Any change to the source(s) of seed/stock must be approved in advance by the Department of Agriculture Food and the Marine.
- The Licence holder must contact the local Sea Fisheries Protection Authority (SFPA) office to organise a classification and biotoxin monitoring programme for the site.
- All requirements of the SFPA must be complied with including the need to have classification assigned prior to commencing operations.
- Prior to the commencement of operations at the site the Licensee is required to prepare a Contingency Plan for the approval of the Department of Agriculture Food and the Marine which shall identify, inter alia, methods for the removal from the environment of any invasive non-native species introduced as a result of operations at this site. If such an event occurs, the contingency plan shall be implemented immediately.
- The locations for vessel unloading are Youghal and Dunmore East.
- The Port of Kinsale Harbour Master should be notified prior to dredging operations.
- The applicant will forward to Cork County Council, as the Port Authority for Kinsale Harbour, details of their operating plan.
- The applicant will submit annual bathymetric surveys of the harbour to Cork County Council, in order to monitor potential depths variations due to dredging operations and/or uncontrolled growth of shellfish.
- In the event of an emergency the proposed site and adjacent beach will be used for the safe 'beaching' of vessels.

- Dredging operations will not be permitted during the months of June, July and August.
- In order to mitigate the risk of damage to any previously unrecorded archaeological remains, a Protocol for Archaeological Discoveries (PAD) shall be prepared to mitigate impacts in the event of any unexpected archaeological discoveries during aquaculture works. This protocol will also include appropriate archaeological briefings for all personnel involved in the activities associated with the proposed scope of works. The PAD shall be agreed in advance of the commencement of any aquaculture works with the National Monuments Service of the Department of Housing, Local Government and Heritage.

DRAFT



Legend

- Application
- Appealed to ALAB
- Licensed
- Lapsed



An Roinn Talmhaíochta,
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Department of Agriculture,
Food and the Marine

Scale (@ A3): 1:40,000

Date: 31/07/2025

Aquaculture Sites in Kinsale Harbour, Co. Cork

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Silage pit covers

A busy schedule for Leap Show

THE annual Leap Horse and Pony Show will take place on Monday, June 2nd, and this year includes a full schedule of in-hand and ridden classes for both horses and ponies across three rings.

The big class of the day in ring one will be the €1,000 champion yearling class for non-thoroughbred horses. There will also be yearling qualifiers for the filly/gelding yearling Cork County Championship at Carbery Show, the colt/gelding All-Ireland Championship at Barryroe Show, as well as €100 for the yearling filly if not placed.

This year, the show hosts the three-year-old filly All-Ireland Championship qualifier for Tydavnet Show, and the three-year horse All-Ireland Championship qualifier for Barrow and Rathangan Show.

Ring One will have a qualifier for the Bantry Show Irish Draught Foal Munster Championship in August. There are also a variety of other classes represented. Ridden hunter classes include Family Riding Horse, heavyweight/middleweight, lightweight, and small hunter categories. The last competition of the day is the Supreme Champion 'Horse of the Show'.

Ring Two sees a full range of IPS affiliated classes for show pony, lead rein, first ridden and show hunters following the Champion Ridden pony. There are two family pony classes for non-IPS ponies, with a change to the format of the ridden classes which gives more ponies the opportunity to compete in the supreme championship at the end of the day.

In Ring Three, there will be in-hand pony classes for show pony and show hunter pony youngstock, as well as show pony broodmares and foals. Connemara and Welsh ponies are also catered for, and prizewinners from these pony classes go forward to the young stock championship and the led pony championship.

The miniature pony class is split to accommodate youngstock and older ponies, and has its own championship with the winner competing for the best pony of the show.

Following the supreme championship, there is a led donkey class and open driving classes.

There is also a dog show at 3pm in the day. For more details contact the secretary, Eleanor Calnan on 087-2958460 or Brian Sheahan on 087-6436355.



Eva Hurley presenting the Sam Kingston Memorial Shield, in memory of her late father, to Nathan McCarthy, winner of the mare championship class at the 2024 Leap show. Also included are James O'Donoghue, judge, and Jim Kingston, Sam's son.
(Photo: Catherine Cotter)

Appeal to protect waterways during silage season

INLAND Fisheries Ireland (IFI) is appealing to farmers and contractors to help protect Ireland's rivers and lakes from agricultural pollution during the silage cutting season.

IFI is advising farmers or their contractors to follow its six-point SILAGE plan for optimum silage cutting and slurry spreading etiquette to reduce the risk of contaminating Ireland's rivers, lakes, streams and seas.

Livestock manure and other organic fertilisers, silage effluent, and soiled water are highly damaging substances, and on entering a watercourse can kill fish and severely impact their habitats.

Barry Fox, Head of Operations at Inland Fisheries Ireland, said: 'We ask farmers and contractors to take all possible precautionary measures to stop harmful materials seeping into the water over summer months. With water levels currently very low, with elevated temperatures, fish are particularly vulnerable to external pressures. Poor farmyard management and poor slurry spreading practices following a silage cut can harm local fish populations and ruin their habitats. Agricultural communities continue to play a pivotal role in the responsible stewardship of our environment.'

IFI continue to secure successful convictions for agricultural pollution of waters, and other breaches of legislation. In 2024, IFI officers carried out 2,736 investigations in agricultural and rural settings to identify environmental risks or active pollution incidents. The six-point SILAGE plan recommends the following:

- S. Spread slurry during dry weather only, and never when a period of heavy rain is forecast.
- I. Investigate if silage pits are properly sealed to prevent the entry of water, and/or if there is leakage from the slabs.
- L. Lead slurry away from a watercourse when working the land. Be aware of the slope of the field, and respect the buffer zones near a river, lake, stream or shoreline.
- A. Avoid allowing effluent or any other discharge reaching the clean water drainage on a yard.
- G. Generate good yard cleaning practices - to stop effluent and soiled washings from inadvertently flowing to a watercourse.
- E. Engage with statutory requirements by ensuring that adequate storage capacity for slurry, soiled water, and silage effluent, meets the regulations.

Farmers and contractors are also asked to contact their local IFI office before carrying out works in or near any watercourses.

Inland Fisheries Ireland urges the public to report any instances of distressed fish, fish kills, or pollution to their confidential 24/7 number on 0818 34 74 24.



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


The Minister for Agriculture, Food and the Marine has made a determination on the Aquaculture Licence application as set out in the table below in Kinsale Harbour, Co. Cork.

Site Ref No	Applicant	Species & Method	Minister's Decision
T05-472A	Woodstown Bay Shellfish Ltd, The Harbour, Dunmore East, Co Waterford	Mussels using bottom culture method	Grant Licence

The reasons for this decision are elaborated on the Department's website at: www.gov.ie/aquaculture-decisions-kinsale

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

As marine aquaculture operations require separate Aquaculture and Foreshore Licences, a separate determination on the foreshore licence application will be made once the licensing authority, or if appealed, the Aquaculture Licences Appeals Board (ALAB) have made a determination on the aquaculture licence application.



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



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