



6th December 2019

Your Ref: **AP14/2019**

Ms Mary O'Hara
Secretary to the Board
Aquaculture Licences Appeals Board
Kilminchy Court, Dublin Road
Portlaoise
Co. Laois.

Dear Mary

I wish to acknowledge receipt of your letter dated 21/11/19 to Mr. Michael Creed T.D., Minister for Agriculture, Food and the Marine (and copied to Mr. John Quinlan) which was received by the Department on 25/11/19, regarding the appeal against the decision to grant an Aquaculture Licence to Shamrock Shellfish Ltd in relation to site **T06/106** in Kilmakilloge Harbour, Kenmare Bay, Co. Kerry.

I am attaching the following documentation:-

1. Copies of reports received in relation to the application,
2. Copy of the applicant's reply to the public and statutory comments,
3. Copy of the submission to Minister,
4. Copy of the notification of Minister's decision to the applicant,
5. Copies of the Draft Aquaculture and Foreshore Licences,
6. Location map of the surrounding area including the following:
 - Sites under application
 - Licensed sites
 - Sites currently under appeal (if any).

Please also see below three hyperlinks to the Department's website where (1) the application form, maps and drawings, (2) the Appropriate Assessment of Aquaculture and Fisheries Risk Assessment in Kenmare River SAC and (3) the Conclusion statement, may be found (as these are too large to transmit by email).

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



- The application form, maps and drawings:-

<https://www.agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshorelicenceapplications/kerry/kenmarebay/2T06106ShamrockShellfishLtdApplicationFormDrawingMapsAndDrawings220519.pdf>

- The Appropriate Assessment of Aquaculture and Fisheries Risk Assessment in Kenmare River SAC:-

<https://www.agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshorelicenceapplications/cork/2019/AppropriateAssessmentofAquacultureandFisheriesRiskAssessmentinKenmareRiverSAC270319.pdf>

- Conclusion Statement covering Kenmare Bay:-

<https://www.agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/appropriateassessmentconclusionstatement/2019new/AppropriateAssessmentConStatement%20AquacultureActivitiesKenmareRiverSAC090919.pdf>

If you require anything further please let me know.

Yours sincerely

pp Marie Neelan
Deirdre Fitzpatrick

Aquaculture and Foreshore Management Division



24 September 2019

Shamrock Shellfish Ltd
Killowen House
Kenmare
Co. Kerry

Our Refs: T06/035A, T06/106, T06/226A, T06/254A, T06/495A and T06/496A

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

Dear Sir,

I would like to inform you that the Minister for Agriculture, Food and the Marine has approved the granting to you of **two** 10-year Aquaculture Licences and accompanying Foreshore Licences, for the cultivation of mussels using longlines on sites **T06/035A** and **T06/106** (see attached information note.)

I would also like to inform you that the Minister for Agriculture, Food and the Marine has refused your applications for Aquaculture Licences and Foreshore Licences for the cultivation of mussels using longlines on the following **four** sites **T06/226A, T06/254A, T06/495A** and **T06/496A** (see attached information note).

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

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

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

The Licences for sites **T06/035A** and **T06/106** will be issued to you as soon as possible after the end of the period of one month from the date of publication of the notice in “The Kerryman”, if there is no appeal.

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

Yours sincerely,

Deirdre Fitzpatrick
Aquaculture and Foreshore Management Division

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

REFERENCE NO's:	T06/035A and T06/106
APPLICANT:	Shamrock Shellfish Ltd
AQUACULTURE TO WHICH DECISION RELATES:	Cultivation of mussels using longlines on sites T06/035A and T06/106 on the foreshore in Kilmakilloge Harbour, Co. Kerry.
NATURE OF DECISION:	Grant of Aquaculture Licences.
DATE OF DECISION:	19 September 2019
CONDITIONS OF LICENCE:	See attached.
DURATION OF LICENCE:	10 years
ISSUE OF LICENCE:	The licences will be dated and issued as soon as practicable after the end of the period of one month from the date of publication of a notice in a newspaper circulating in the vicinity of the aquaculture, if no appeal is made to the Aquaculture Licences Appeals Board within that period, under Section 40 and 41 of the Fisheries (Amendment) Act, 1997.

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

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

REFERENCE NO's: T06/226A, T06/254A, T06/495A and T06/496A

APPLICANT: Shamrock Shellfish Ltd

**AQUACULTURE TO WHICH
DECISION RELATES:** Cultivation of mussels using longlines on sites
T06/226A, T06/254A, T06/495A and T06/496A on the
foreshore in Kilmakilloge Harbour, Co. Kerry.

NATURE OF DECISION: Refusal of Aquaculture Licences.

DATE OF DECISION: 19 September 2019

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

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

The reasons for these decisions are elaborated on the Department's website at:

<http://www.agriculture.gov.ie/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquaculturelicencedecisions/>

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

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



Marine Engineering Division

Report on Aquaculture Licence Application

Application Reference No: T06/106

Report Prepared by: Raphael Crowley

Date: 04 February 2019

Applicant: Shamrock Shellfish Ltd.

Location: Kilmakilloge Harbour, Co. Kerry

Applicant Type: Aquaculture/Foreshore Licence

Site:

T06/106
5.5

Site Area (Ha):

T06/106
5.5

Species: Blue Mussel (*Mytilus edulis*)

Cultivation Method: Longlines

Intertidal/Non-Intertidal: Non-Intertidal

Source of Seed / Spat: Natural spat collection

Annual Production Estimates: 250 Tonnes (Combined with T06/035)

Shellfish Waters Designation: Yes No

Reference: SI 200 of 1994 Kilmakilloge Harbour - Map XI

Environmental Designation : Yes No

Reference: Kenmare River SAC [Site Code: 002158]

Development Plans: Yes No

Reference: Kerry County Development Plan 2015 -21, Section 8.4

Pre-Consultation Meeting: Yes No

Date: Various

Drawing Validation Sheet

OSI Maps:

Yes No

Comment:

Revised OSI maps to be prepared by GIS Mapping Section.

BA Chart:

Yes No

Comment:

BA Charts to be prepared by GIS Mapping Section.

Farm Layout Drawing:

Yes No

Directional Arrow Yes No

Scale Yes No

Title Block Yes No

Date Yes No

Comment:

Drawing of reconfigured site layout attached.

Drawings of structures:

Yes No

Comment:

Typical section detail of mussel longline attached

Details of Proposed Navigation Marking:

Yes No

Comment:

SUMS navigation marking scheme to be agreed

Site Access Indicated:

Yes No

Comment:

Access from Bunaw Pier (Kilmakilloge)

Site Co-Ordinates Indicated:

Yes No

Comment:

Revised co-ordinates of reconfigured site to be prepared by GIS Mapping Section

Site Overlap:

Yes No

Comment:

Oyster Fishery Order Overlap:

Yes No

Comment:



The application is submitted with each of the requirements listed and is therefore deemed to be a valid application.



AFMD should be aware that insufficient details have been submitted as per above.

Site Suitability Assessment

Site Location

The site is located in sheltered waters in the middle of Kilmakilloge Harbour. The aquaculture at this location has been in existence for many years, which indicates that the hydrodynamic regime is suitable for this type of aquaculture.

Site Management

This application is for the renewal of existing aquaculture activity in Kilmakilloge Harbour, Co Kerry. This site was surveyed in 2015 as part of the reconfiguration process of aquaculture activity in the area. There is no increase in the overall historical licenced aquaculture area within Kilmakilloge harbour due to this reconfiguration process. The site is currently in use. The operator has a number of longlines associated with this site that extend into adjacent sites that are not licenced to him. The existing aquaculture licence for this site has expired, however Section 19A of the Fisheries (Amendment) Act 1997 allows the operator to continue activities following the expiration of the previous aquaculture licence where a renewal application has been received.

Proposed Site Layout and Structures

The aquaculture licence areas for mussel cultivation within Kilmakilloge Harbour have been reconfigured to improve navigation, farming operations, and visual impact within the overall aquaculture area. The site shape of T06/106 has been reconfigured with the area of the proposed reconfigured site being 5.5Ha.

On the 30th January 2019 I met with the applicant and he advised that he was in agreement with the proposed reconfigured boundary for this site as prepared by MED. However the reconfigured boundary requires a reduction in the current level of activity at this location and the removal of longlines that are outside of the existing and proposed boundaries for this site. The applicant does not agree to this reduction for this site. The operator does not agree with the overall reconfiguration process of the aquaculture sites in Kilmakilloge Harbour as he believes it is introducing more activity into the harbour at the expense of a reduction of activity by other operators. This site has traditionally held the highest density of activity per site area within the harbour, and even allowing for reconfiguration, still maintains the highest level of activity when compared to the other reconfigured sites.

MED has prepared a reconfigured site boundary as originally proposed to the operator. GIS Mapping Section of MED will adjust the aquaculture database accordingly and reissue the appropriate maps, co-ordinates and area for the site for advertising and licencing purposes.

The revised site layout for this application is shown in the attached drawing which forms part of the overall Kilmakilloge Harbour layout (overall drawing also attached). These drawings should be included in the schedules for the licence for the site.

The structures to be used for this aquaculture operation are already in existence on site. The operator utilises the standard double head-rope method as per attached mussel longline detail.

Each mussel longline should not be longer than 220 metres in length. A maximum of 10 No. mussel longlines should be permitted within the proposed site. The floatation barrels of the longlines should be battleship grey in colour. The proposed longline layout will not cause an obstruction or nuisance.

Due to the site being reconfigured, the high density of lines at this location and the fact that some of the operator's current longlines are not within the proposed licence area. MED recommends allowing a period of two years subsequent to licensing for the operator to remove/reposition the relevant longlines within the reconfigured site as per the farm layout

drawing. It is also recommended that the operator provide confirmation from a competent chartered engineer that longlines are positioned in accordance with the approved drawings and that all structures associated with the licensed activity are located within the overall licensed area for aquaculture activity in Kilmakilloge Harbour.

Land Based Facilities / Site Access

Bunaw Pier is used by mussel farmers on a daily basis to access the sites in Kilmakilloge Harbour and carry out operations associated with the aquaculture industry. The pier is suitable as an access point for this site.

Navigation

There are existing navigational aids within Kilmakilloge Harbour. MED recommends that the group navigational marking scheme (SUMS) is revised to take account of the reconfiguration of the aquaculture sites. The scheme should provide a safe system of navigation for all marine users. This will be revised in consultation with Kerry County Council, BIM, MSO and CIL. This site will be within the SUMS for Kilmakilloge Harbour.

Visual Impact

The Kerry County Development Plan (CDP) designates the scenic characteristic of the landscape adjacent to Kilmakilloge Harbour as Rural Prime Special Amenity in some parts and Rural Secondary Special Amenity in the remainder. The Kerry CDP indicates there are scenic routes surrounding Kilmakilloge Harbour. The proposed site is visible from the R571 roadway from Kenmare to Castletownbere and the R573 roadway from Lauragh to Kilmakilloge, both of which are part of the Wild Atlantic Way and designated in the Kerry CDP as routes with Views and Prospects (Both Directions). The Beara Way walking route passes to the south of Kilmakilloge Harbour.

This aquaculture has been in place for some time and has become embedded in the landscape. The reconfigured site, proposed farm layout and type of structures adhere to the best practices outlined in the Guidelines for Landscape and Visual Impact Assessment of Marine Aquaculture, 2001. The repositioning of the longlines as proposed will improve the visual aspects of the site. The licence conditions will specify the orientation of the site, length and number of lines and colour of flotation barrels to minimise the visual impact.

Impact / Cumulative Impact

The Appropriate Assessment for Kenmare River concluded that there was no impact on the SAC due to aquaculture at the location of this site.

This application is part of the overall mussel aquaculture industry within Kilmakilloge Harbour. The aquaculture in Kilmakilloge Harbour has been in existence for some time and there is no new impact due to these applications. The mussel licence areas within the harbour have been reconfigured to improve navigation, farming operations, and visual impact within the area. There is no increase in the overall historical licenced aquaculture area within Kilmakilloge harbour due to this reconfiguration process.

There is fishing and marine leisure in the area. The group marking scheme reduces the impact of the aquaculture on navigation in the area.

AFMD should ensure the correct OSI map, Admiralty chart and Site Co-ordinates to be prepared by GIS Mapping for the site, and the revised site layout drawing and structure details are included in any licence issued.

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

O'Keeffe, Therese

From: Crowley, Raphael
Sent: 23 July 2019 17:12
To: O'Keeffe, Therese
Subject: Navigation in Kilmakilloge Harbour

Thérèse

I refer to the recent public and statutory consultation of aquaculture applications in Kilmakilloge Harbour.

I have reviewed the responses and in particular that of CIL regarding navigation.

The reconfiguration of the existing aquaculture sites was undertaken with consideration to previous discussions and agreements with the MSO regarding navigation within the harbour.

There are a number of old anchorages within the harbour that are no longer viable and navigation lines that will require amendment.

In addition, a group marking scheme for the harbour will be prepared by BIM in consultation with CIL which will take account of all aquaculture sites that are licenced. This will be prepared following licencing of any sites within the harbour.

The changes to navigation in the harbour should be advised to the UK Admiralty Hydrographic office post licencing, so that Admiralty Charts can be amended.

Regards

Raphael

Raphael Crowley
Chartered Engineer - Marine Engineering Division

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

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Marine Institute
Foras na Mara

Rinville,
Oranmore,
Co. Galway
Tel: 091 387200

Date: 06 June 2019

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

Advice on Aquaculture Licence Application

Applicant	Shamrock Shellfish Ltd
Application type	Renewal
Site Reference No	T06/106
Species	Mussels (<i>M. edulis</i>) - longlines
Site Status	Located within the Kenmare River SAC (Site Code 002158) Located within the Kilmakilloge designated Shellfish Growing Waters Area.

Dear Deirdre

This is an application for the renewal of an aquaculture licence to cultivate mussels (*M. edulis*) using longlines at Site T06/106 in Kenmare Bay, Co. Kerry. The area of foreshore at Site T06/106 is circa 5.50 Ha

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

The cultivation of shellfish at this site will produce faeces and pseudofaeces. Any impact will be limited to the area of the site. The build-up of excess organic matter beyond the footprint of the site is not considered likely.

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 T06/106 is located within the Kilmakilloge designated Shellfish Growing Water Area.

Under Annex II of EU Regulation 854/2004 mussels in the Kilmakilloge area currently have a seasonal "A" Classification from 1st December – 1st May and revert to a "B" Classification at all other times

Site T06/106 is located within the Kenmare River SAC (Site Code 002158)

We note the findings of the Appropriate Assessment report¹ and the Department's draft Natura conclusion statement² in regard to the impacts on the Conservation Objectives within the Kenmare River SAC.

1

<https://www.agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshorelicenceapplications/cork/2019/AppropAssessofAquacultandFisheriesRiskAssessinKenmareRiverSAC270319.pdf>

2

<https://www.agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/appropriateassessmentconclusionstatement/DRAFTAACONCLUSIONSTATEMENT260319.pdf>

In making the final determination with respect to this application it is recommended that DAFM take full account of the conclusions and recommendations of the Appropriate Assessment report and the proposed mitigation measures set out in the Department's Draft Natura Conclusion Statement.

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](#)). In this regard it is recommended that, 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.

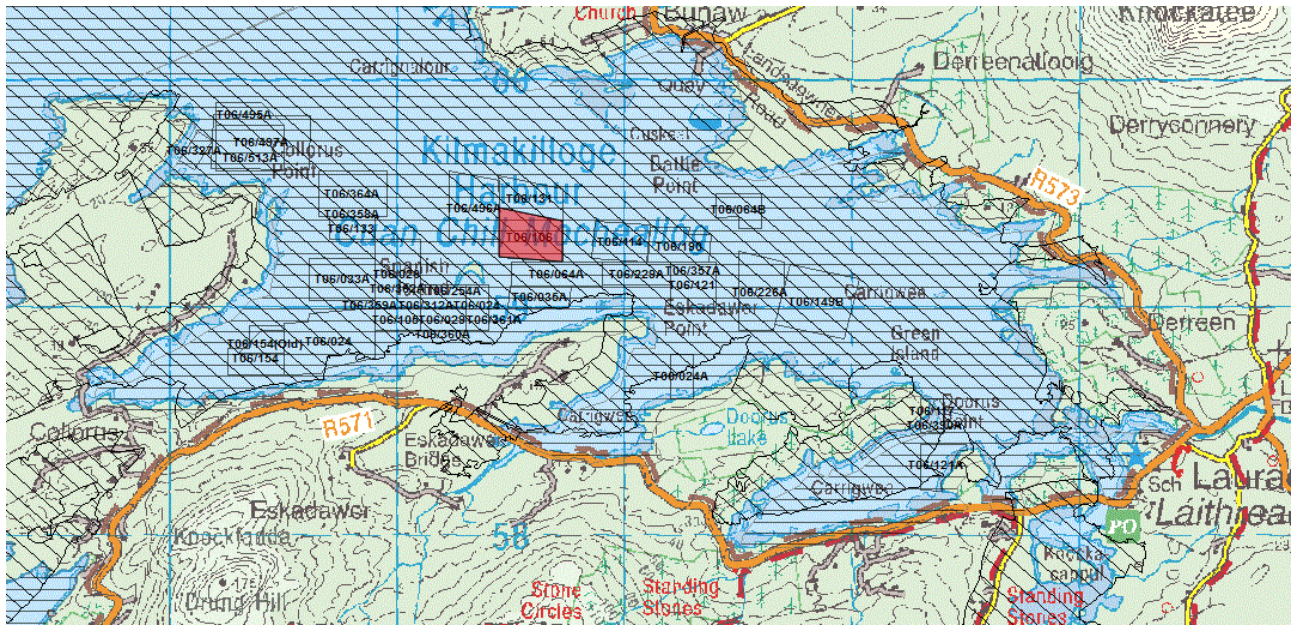
In the event that invasive non-native species are introduced into a site as a result of aquaculture activity the impacts may be bay-wide and thus affect other aquaculture operators in the bay. In this regard, therefore, the Marine Institute considers that the CLAMS process may be a useful and appropriate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


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,





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




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

Your Reference: T06/106

Our Reference: LA0553.2072

Date: 24/05/2019

LL: LA0553.2072
Applicant: Shamrock Shellfish Ltd
Site: Kilmakilloge Harbour, Co. Kerry

Dear Ms. Fitzpatrick,

Thank you for your letter advising us of this renewal application.

Unfortunately based on the information supplied, we object to the application for a foreshore licence for the cultivation of mussels in the site associated with this application.

The site encroaches onto a safe haven anchorage in Kilmakilloge Harbour not giving vessels area to swing. (*Navigable channels including inter-tidal channels are considered to be the marine equivalent of "Rights of Way" on land*).

If the licence is renewed, all structures must be clearly marked as required by Regulations and Licensing Permit conditions and to the approval of the Nautical Surveyor with the Marine Survey Office.

Note: To date we have no record of this applicant applying for Statutory Sanction

We would request that you include the following terms in the licence

- That the applicant secures Statutory Sanction from the Commissioners of Irish Lights for the aids to navigation required by the Marine Survey Office. Statutory sanction forms are available at <http://www.irishlights.ie/safety-navigation/statutory-sanction.aspx>

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

Furthermore, if a licence is granted, the UK Hydrographic Office at Taunton: sd@ukho.gov.uk 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



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

Date: 10/04/2019

Site: Kilmakilloge Harbour, Co. Kerry

Dear Ms. Fitzpatrick,

Thank you for your letter advising us of the applications and renewals for Kilmakilloge Harbour.

Notwithstanding the individual responses for each site the proliferation of the sites within Kilmakilloge Harbour would suggest that an overall group marking scheme be devised to ensure safe passage to vessels to the anchorages and inner bays and harbours. Existing licences should not be renewed nor new licences issued until such a marking scheme is implemented.

Yours sincerely,

Neil Askew
for Director of Operations and Navigation

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

Submission AGR 00502-19: Recommendation to Grant an Aquaculture and Foreshore Licence for 1 site (T06/106)

TO: Minister
STATUS: Completed
PURPOSE: For Decision

AUTHOR: Fitzpatrick, Deirdre
OWNER: Fitzpatrick, Deirdre
REVIEWERS: O'Keefe, Therese
Hodnett, Kevin
Quinlan, John
Beamish, Cecil
Smith, Ann

DIVISION: Coastal Zone Management
DECISION BY:

Final comment

Minister determines that the Aquaculture and Foreshore Licences be granted for the reasons outlined.

Action required

Ministerial Determination on Aquaculture/Foreshore Licensing Application (T06/106)

Executive summary

The Minister's determination is requested in relation to an application of an Aquaculture Licence from Shamrock Shellfish Ltd., Killowen House, Kenmare, Co. Kerry. The application is for the cultivation of mussels using longlines on site T06/106, totalling 5.5036 hectares on an area of foreshore in the middle of Kilmakilloge Harbour, Kenmare Bay, Co. Kerry.

A submission in respect of the application for the Foreshore Licence is also set out for the Minister's consideration.

It is recommended that the Minister determines that the Aquaculture and Foreshore Licences be granted for the reasons outlined in the 'Detailed Information' section below.

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

Detailed information

DECISION SOUGHT

The Minister's determination is requested please in relation to an application for the renewal of an Aquaculture Licence from Shamrock Shellfish Ltd., Killowen House, Kenmare, Co. Kerry for a site in Kilmakilloge Harbour, Co. Kerry.

A submission in respect of the accompanying Foreshore Licence is also set out below, for the Minister's consideration.

BACKGROUND

Marine aquaculture operations require separate Aquaculture and Foreshore Licences and Ministerial approval is requested in respect of this submission (Aquaculture Submission) and the submission underneath (Foreshore Submission), which refer to the same site.

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

APPLICATION FOR AN AQUACULTURE LICENCE

A renewal application 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 longlines in relation to a 5.5036 hectare site an area of foreshore in the middle of Kilmakilloge Harbour, Kenmare Bay, Co. Kerry, (numbered T06 /106 – see documents at **TAB A**).

LICENCE FEES

There are outstanding Section 19 A. (4) fees associated with this licence. This issue is being dealt with through the standard debt management procedures.

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.

Article 6 (3) of the Habitats Directive provides that *"Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon ... shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives ... the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned ..."*

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 the aquaculture and foreshore elements.

Technical Consultation – see documents at **TAB B**

Marine Engineering Division (MED): Stated no objection to the renewal application and did recommend the inclusion of conditions dealing with structures, site layout and repositioning of relevant longlines within the reconfigured sites. MED commented on CIL observations (see below) as follows "The reconfiguration of the existing aquaculture sites was undertaken with consideration to previous discussions and agreements with the MSO regarding navigation within the harbour.

There are a number of old anchorages within the harbour that are no longer viable and navigation lines that will require amendment".

Marine Survey Office (MSO): No comments received.

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): No comments received

Statutory Consultation – see documents at **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 Institute (MI): 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.

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 Light (CIL): objected to the application as the site encroaches on a safe haven anchorage in Kilmakilloge

Harbour not giving vessels area to swing. (See MED's comments above)

Aquaculture Licence conditions required on foot of the Statutory Consultation process will be contained in Schedule 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 Kerryman on 29 May, 2019. The application and supporting documentation were available for inspection at Kenmare and Killarney Garda Stations for a period of 4 weeks from the date of publication of the notice in the newspaper.

There were 7 objections received from the public consultation process. It is not possible to disaggregate the comments into aquaculture and foreshore elements. The objections can be summarised as follows:

Visual impact, microplastics, site layout, safety, sustainability, staff training/safety, other users, site boundary and number of longlines.

A copy of all the observations/submissions received at the Public/Statutory consultation stage was forwarded to the applicant.

The applicant did not respond.

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 located within the Kenmare River SAC. An Article 6 Appropriate Assessment has been carried out in relation to aquaculture activities in this SAC and/or SPA. This Assessment and its findings were examined by the Department and its scientific/technical advisors. This led to the Licensing Authority (i.e. the Minister) producing a Conclusion Statement outlining how it is proposed to licence and manage aquaculture activities in the above Natura sites in compliance with the EU Habitats and Birds Directives. (See **TAB D**).

(ii) Shellfish Waters

The site is located within the Kilmakilloge Shellfish Designated Waters.

The mussels in these waters currently have a seasonal "A" Classification from 1st December – 1st May and revert back to a "B" Classification at all other times.

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 Appropriate Assessment for Kenmare River SAC and in the Licensing Authority's Conclusion Statement.

f) the effect on the environment generally

The Department's Scientific Advisors 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.

RECOMMENDATION

It is recommended that the Minister:

approves the granting of an Aquaculture Licence with a variation (**see document at TAB E**) to Shamrock Shellfish Ltd., Killowen House, Kenmare, Co. Kerry, for a period of ten (10) years for the purpose of cultivating mussels using longlines 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/ Foreshore Licensing application –T06/106

Shamrock Shellfish Ltd., have applied for the renewal of an aquaculture licence to cultivate mussels using longlines on the sub-tidal foreshore on a 5.5036 hectare site (T06/106) in the middle of Kilmakilloge Harbour, Kenmare Bay, Co. Kerry.

The Minister for Agriculture, Food and the Marine has determined that it is in public interest to grant the licence sought with a variation stipulating the number of longlines on the site. 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 were given consideration and addressed as necessary;*
- e. *The possible effects on the man-made environment heritage of value in the area have been taken into consideration;*
- f. *No significant effects arise regarding wild fisheries;*
- g. *The site is located within the Kenmare River Special Area of Conservation. An Article 6 Assessment has been carried out in relation to aquaculture activities in the SAC/SPA. The Licensing Authority's Conclusion Statement (available on the Department's website) outlines how aquaculture activities in this SAC/SPA, including this site, are being licensed and managed so as not to significantly and adversely affect the integrity of the Kenmare River SAC;*
- h. *Scientific observations related to the Appropriate Assessment received during the licensing consultation process are addressed in the Licensing Authority's Appropriate Assessment Conclusion Statement;*
- i. *Taking account of the recommendations of the Appropriate Assessment the aquaculture activity at this site is consistent with the Conservation Objectives for the SAC/SPA;*
- j. *There are no significant impacts on the marine environment and the quality status of the area will not be adversely impacted;*
- k. *The updated Aquaculture and Foreshore licences contain terms and conditions which reflect the environmental protection now required under EU and National law."*

Recommendation to grant a Foreshore Licence application (T06/106)

DECISION SOUGHT

The Minister's determination is requested please in relation to the application for a Foreshore Licence from Shamrock Shellfish Ltd., Killowen House, Kenmare, Co. Kerry, for a site in the middle of Kilmakilloge Harbour, Kenmare Bay, Co. Kerry, in which it is proposed to conduct aquaculture.

BACKGROUND

Marine aquaculture operations require separate Aquaculture and Foreshore Licences and Ministerial approval is requested in respect of this submission (Foreshore Submission) and submission above (Aquaculture Submission), which refer to the same site.

The Foreshore Licence allows for the occupation of the particular area of foreshore while the Aquaculture Licence defines the activity that is permitted in this area. The continuing validity of each licence is contingent on the other licence remaining in force.

APPLICATION FOR A FORESHORE LICENCE

An application for a Foreshore Licence has been received from the applicant referred to above (in conjunction with an Aquaculture Licence application), relating to the occupation of the foreshore associated with the Aquaculture Licence application which covers an 5.5036 hectare site (numbered T06/106 – see documents at **TAB A**).

LEGISLATION

Section 3 of the Foreshore Act, 1933 gives power to the Minister to licence the use of foreshore, if he is of the opinion that it is in the public interest to do so.

CONSULTATION AND PUBLIC COMMENT

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

This application was also sent to the Department of Housing, Planning and Local Government (DHPLG) in accordance with subsection (1B) of Section 3 of the Foreshore Act, 1933, which requires consultation between the Minister for Agriculture, Food and the Marine and the Minister for Housing, Planning and Local Government. Whilst aquaculture legislation requires certain statutory bodies to be notified of an aquaculture application, no other statutory bodies are prescribed consultees under Fisheries related foreshore legislation.

DHPLG: There were no comments received from a water quality or foreshore perspective.

Technical Consultation – see documents at **TAB B**

Marine Engineering Division (MED): Stated no objection to the renewal application and did recommend the inclusion of conditions dealing with structures, site layout and repositioning of relevant longlines within the reconfigured sites.

Marine Survey Office (MSO): No comments received.

Sea Fisheries Protection Authority (SFPA): No comments received

Public Consultation

The application was publicly advertised using a composite public notice covering both aquaculture and foreshore elements, in The Kerryman on 29 May, 2019. The application and supporting documentation were available for inspection at Kenmare and Killarney Garda Stations for a period of 4 weeks from the date of publication of the notice in the newspaper.

Visual impact, microplastics, site layout, safety, sustainability, staff training/safety, other users, site boundary and number of longlines.

A copy of all the observations/submissions received at the Public/Statutory consultation stage was forwarded to the applicant.

The applicant did not respond.

CRITERIA IN MAKING LICENSING DECISIONS

The Minister, in considering an application for a Foreshore Licence, may, if satisfied that it is in the public interest to do so, grant

such a licence.

Section 82 of the Fisheries (Amendment) Act, 1997 stipulates that the Minister, in considering an application for a licence under the Foreshore Acts, 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.

RECOMMENDATION

It is recommended that the Minister:

approves the granting of a Foreshore Licence (see document at **TAB F**) to Shamrock Shellfish Ltd., Killowen House, Kenmare, Co. Kerry, for a site in the middle of Kilmakillogue Harbour, Kenmare Bay, Co. Kerry, for a period of ten (10) years for occupation of the site for the carrying out of aquaculture activities as defined in the Aquaculture Licence, and in accordance with the terms and conditions of the attached draft Foreshore Licence.

Related submissions

There are no related submissions.

Comments

OKeeffe, Therese - 13/09/2019 15:10

Recommended that the Minister grants the Aquaculture and Foreshore licences for the reasons outlined in the submission.

Hodnett, Kevin - 17/09/2019 11:39

Recommended that the Minister determines that an Aquaculture and Foreshore Licence be granted to Shamrock Shellfish Ltd for the reasons set out in the detailed submission.

Quinlan, John - 18/09/2019 12:17

Recommended for approval please.

Beamish, Cecil - 18/09/2019 17:13

Recommended for ministerial approval.

Smith, Ann - 18/09/2019 17:15

Approved for submission to Minister. AS 18/09/2019

Smith, Ann - 18/09/2019 17:25

Approved for submission to Minister. AS 18/09/2019

Lennox, Graham - 19/09/2019 16:55

Minister determines that the Aquaculture and Foreshore Licences be granted for the reasons outlined.

User details

INVOLVED: Fitzpatrick, Deirdre
OKeeffe, Therese
Hodnett, Kevin
Quinlan, John
Beamish, Cecil
Sub Sec Gens Office
eSub Sec Gen
eSub Ministers Office
eSub Minister

READ RECEIPT: Fitzpatrick, Deirdre
OKeeffe, Therese
Hodnett, Kevin
Quinlan, John
Smith, Ann
Beamish, Cecil
Lennox, Graham

2000 Aquaculture and Foreshore Licence application (Renewal) and an updated 2018 version which includes supplemental information. These applications must be read in tandem.

FISHERIES (AMENDMENT) ACT, 1997
FORESHORE ACT, 1933



LICENCE RENEWAL APPLICATION FORM
Marine Shellfish Sites

1. Number (Reference) of Licence for Renewal: AQ 155
2. Name of Applicant in full: SHAMROCK SHELLFISH LTD
3. Address of Applicant in full: KILLOWER, KENMARE
CO. KERRY
4. Phone/Fax No: [REDACTED] - Fax - 064 42200
5. Period for which renewed licence is required 10 YEARS

Signed:

A handwritten signature in black ink, appearing to be 'S. O'Sullivan'.

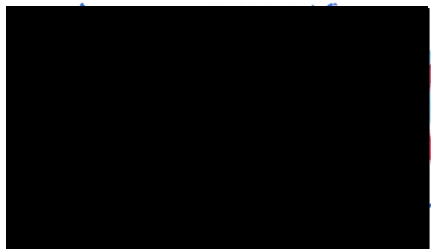
Date:

12th APR. 00

Application fee £50 (payable by crossed cheque to the Department of the Marine and Natural Resources) and completed application form to be returned to:

Coastal Zone Administration Division
Department of the Marine and Natural Resources
Leeson Lane
Dublin 2

Note: Further information may be required to supplement the foregoing



**UPDATE/ADDITIONAL
INFORMATION FORM**

**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

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. T6/106_____

Date of Receipt (Dept. Stamp):

Type of Applicant (tick one)	
Sole Trader	<input type="checkbox"/>
Partnership	<input type="checkbox"/>
Company	<input checked="" type="checkbox"/>
Co-Operative	<input type="checkbox"/>
Other	Please specify- <input type="checkbox"/>

PART 1: PRELIMINARY DETAILS

Applicant's Name(s)	
1.	SHAMROCK SHELLFISH LTD
Address:	LIMESTONE HOUSE KILLONEW KEEMAR Co. Kerry
2.	
Address:	
3.	
Address:	
4.	
Address:	

Contact in case of enquiries (if different from above)	
Contact Name	Sean MCCARTHY
Organisation Name (if applicable)	
Address	LIMESTONE HOUSE KILLOWEN KESHMARE CO. KERRY

PART 1: PRELIMINARY DETAILS

TYPE OF APPLICATION – please indicate relevant type of application
This Application Form is valid for each type of application - See *Guidance Note 3.1*

(i) Aquaculture Licence	<input 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 checked="" type="checkbox"/>

*Renewal of COMBINED AQUACULTURE & FORESHORE LICENCES
NO. AQ 155*

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 |

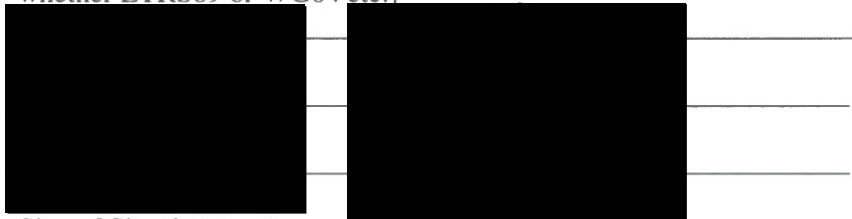
(iii) TRIAL LICENCE

- | | |
|--------------------------|---|
| <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: KILMECHILGOS HQ.
- (ii) County: KERRY
- (iii) OS Map No: Kerry 108
- (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 ETRS89 or WG84 etc.]

- (v) Size of Site (hectares): 1

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

MYTILUS EDYSSUS

(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.

NATURAL COLLECTION ON ROCKS
Harvested in May

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) ROPE

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

(xi) Proposed Production Tonnage:

Year 1	Year 2	Year 3	Year 4	Year 5
<u>250</u>	<u>250</u>	<u>250</u>	<u>250</u>	<u>250</u>

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

N/A

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

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

HUMAN CONSUMPTION

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

FLOTS USED ARE GRAY FOR LESS VISUAL IMPACT

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

Yes No

If yes give details.

DESIGNATED FOR AQUACULTURE, NATURA 2000, S.A.C.

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?

SEASONAL A (JAN/FEB) B - MAR - DEC.

(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)

IT IS A SAC & NATURA 2000

(xviii) Are there known sources of pollution in the vicinity e.g. sewage outfall? Yes / No
If yes please give full details.

(xix) Methods used to harvest the shellfish and details of any subsequent processing of shellfish
THE MUSSELS ARE GRABBED, WASHED AND PACKED
IN 20kg NET BAGS FOR EXPORT TO FRANCE

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

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

STAR FISH

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

MAKE SURE ORP ROBS DO NOT TOUCH

SEASUCK

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:

CERTIFICATE IN AQUACULTURE FROM B.I.M.
35 YEARS OF OPERATING THE EXISTING MUSSEL
FARM IN KILMACHILLOGE NA.

- (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:

ONE FULL TIME
ONE CASUAL

FULLTIME JOBS

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

PART TIME JOBS

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

PART 3 D. LIMITED COMPANY

Company Name: SHAMROCK SHELLFISH LTD

Address: LIMESTONE HOUSE, KILLOWEN, KERRY
Co. Kerry

Company Registered No. (CRO No.) [REDACTED]

VAT No. [REDACTED]

Phone No. [REDACTED]

Mobile No. _____

E-mail Address: SHAMROCKSHELLFISH@EIRCOM.NET

Please list below the names and Personal Public Service No's of the Directors of the Company

Name [REDACTED] Personal Public Service No. [REDACTED]

Name [REDACTED] Personal Public Service No. [REDACTED]

Name: _____ Personal Public Service No. _____

Name: _____ Personal Public Service No. _____

Please list below the names and Personal Public Service No.'s of the Shareholders in the Company and the percentage shareholding held in each case

Name: [REDACTED] Personal Public Service No. [REDACTED]

% Shareholding: [REDACTED]

Name: [REDACTED] Personal Public Service No. [REDACTED]

% Shareholding: [REDACTED]

Name: _____ Personal Public Service No. _____

% Shareholding: _____

Name: _____ Personal Public Service No. _____

% Shareholding: _____

PART 5: APPLICATION DOCUMENTATION

The following documents are enclosed with this application:

NB: Refer to Guidance Note Section 3.3 – Guidance on Application Documentation

No.	DOCUMENTATION	YES	NO	N/A
1a	An appropriate Ordnance Survey Map (recommendation is a map to the scale of 1:10,000/10:10,560, i.e., equivalent to a six inch map)	✓		
1b	The proposed access route to the site from the public road across tidal foreshore must also be shown			
2a	Scale drawing of the structures to be used (recommended scale normally 1:100 for structures).	✓		
2b	Scale drawing of farm layout (recommended scale normally 1:200 for layout)			
3	The prescribed application fee	✓		
4	Environmental Impact Statement (EIS), if required			✓
4a	Natura Impact Statement (NIS), if required			✓
5	Water Quality Analysis Report, if appropriate			✓
6	Decision of Planning Authority under the Planning Acts, if required			✓
7	Copy of Licence under Section 4 of the Local Government (Water Pollution) Act, 1977 – Effluent Discharge, if required			✓
8	If the applicant is a limited Company within the meaning of the Companies Act 1963, as amended, a copy of the Certificate of Incorporation and Memorandum and Articles of Association.	✓		
9	If the applicant is a Co-operative, a copy of the Certificate of Incorporation and Rules of the Co-operative Society			✓
10	Integrated Pest Management Plan, if required			✓
11	Alien Species documentation, if required.			✓

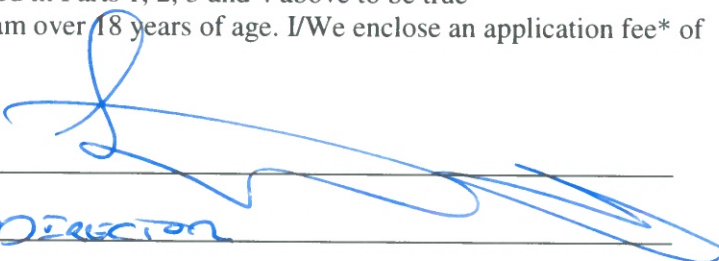
PART 5: DECLARATION AND SIGNING

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)



Date: 5th Apr. 18

**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 KILMAKILLOGUE HARBOUR CO.KERRY

Co-ordinates & Area

Site T06/106 (5.5036 Ha)

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

074445, 059437 to Irish National Grid Reference point

074725, 059382 to Irish National Grid Reference point

074725, 059201 to Irish National Grid Reference point

074445, 059225 to the first mentioned point.



74000

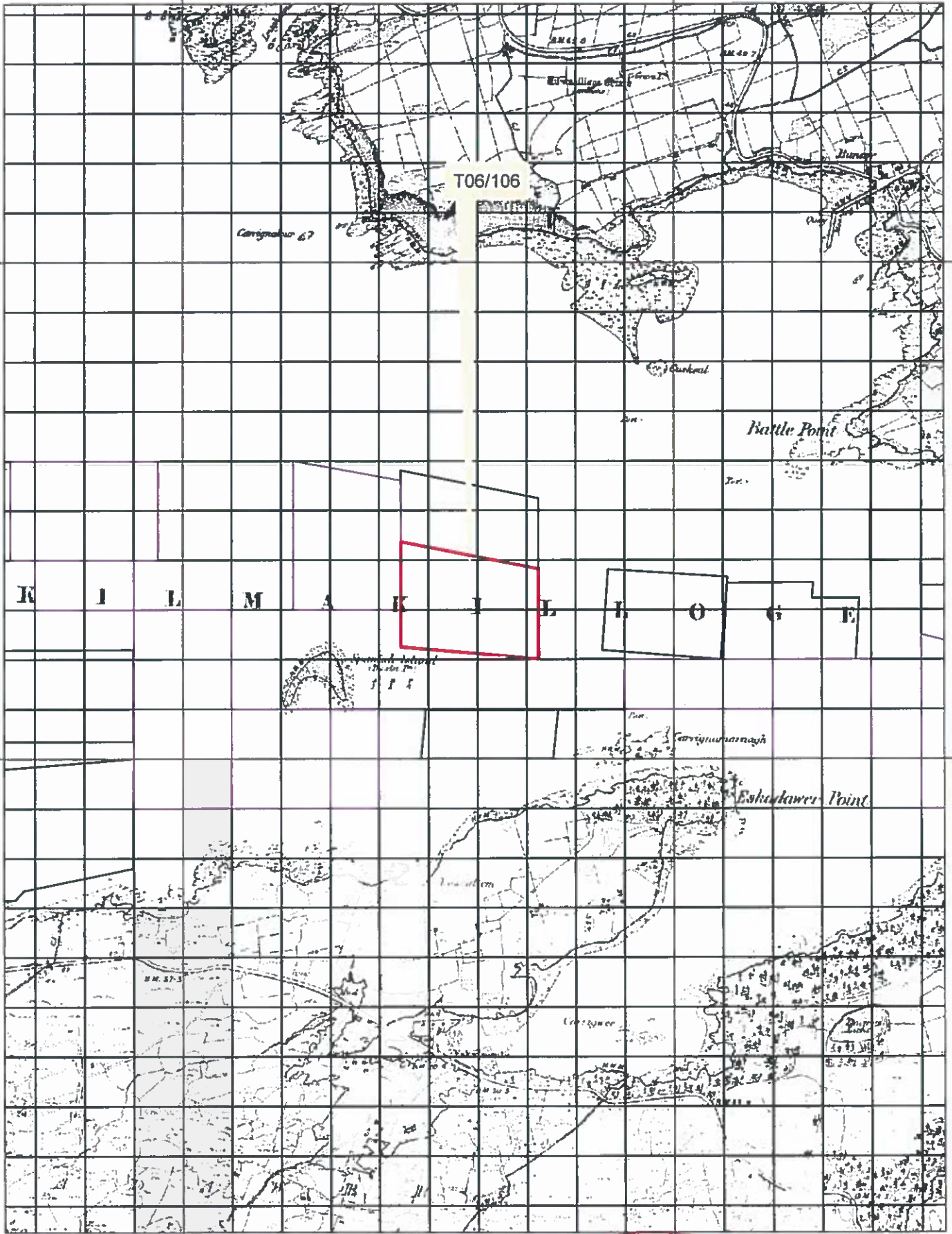
75000

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K I L M A K I L I O G F

T06/106

Battle Point

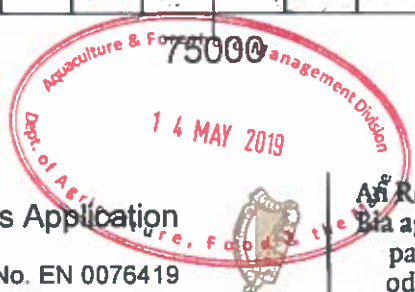
Eskadawer Point

- Aqua Cult** Sites
- Site Status**
- Under Appeal
 - Application
 - Licensed
 - Revoked
 - Surrendered
 - Withdrawn
 - All other values

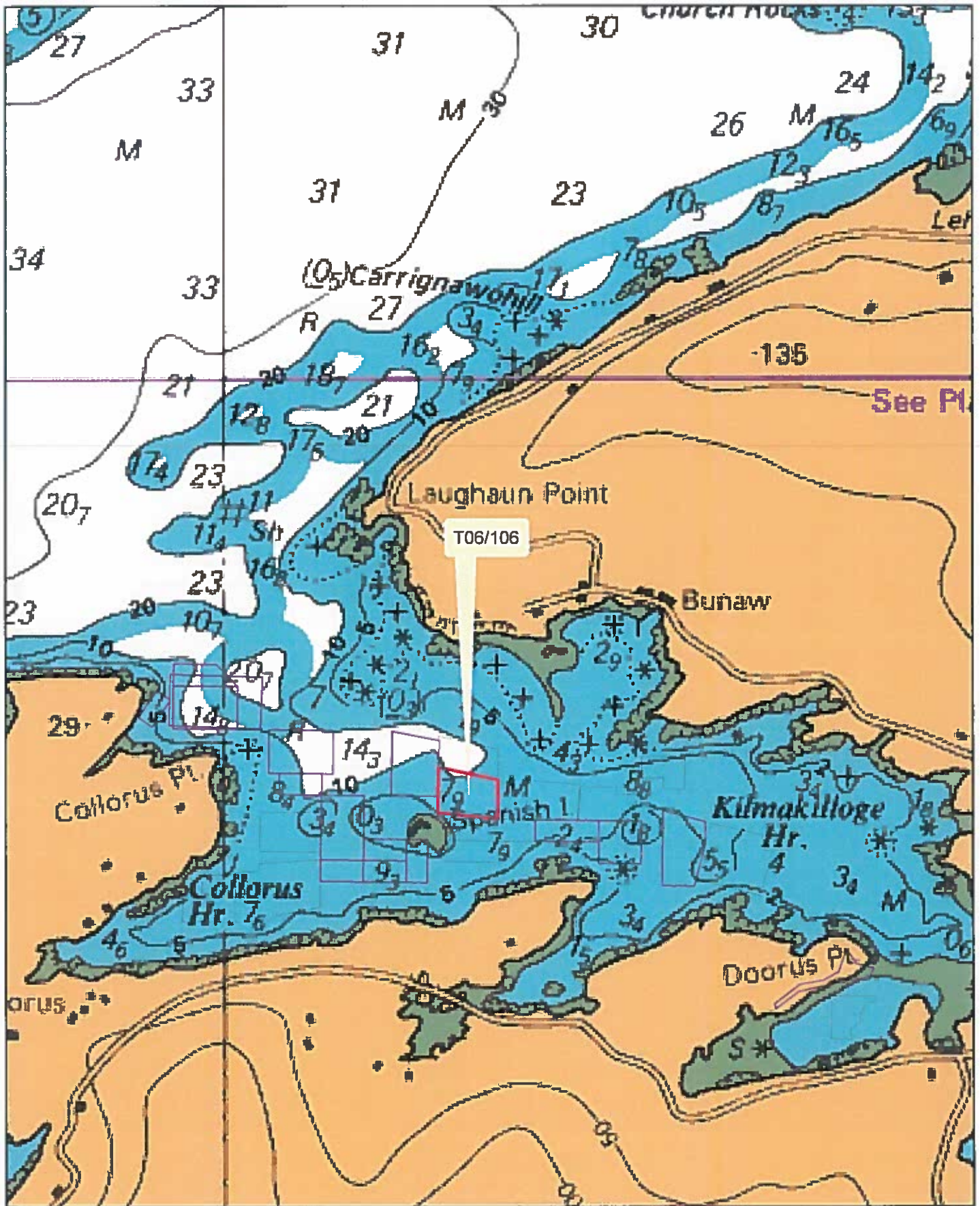
1:10,560

Sites highlighted in red denotes Application

Ordnance Survey Ireland Licence No. EN 0076419
© Ordnance Survey Ireland/Government of Ireland



An Roinn Talmhaíocht
Bia agus Mara
partmen of Agr ul
od and the Marin



Aqua Culture Sites
<all other values>

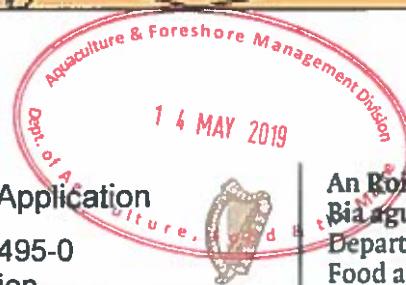
Site_Status

- Under Appeal
- Application
- Lapsed
- Licensed
- Refused
- Revoked
- Surrendered

1:24,000

Sites highlighted in red denotes Application

Part of Admiralty Chart No =2495-0
Not to be used for Navigation



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



Legend

Reconfigured Sites Kilmakilloge

-  Reconfigured Boundary
-  Proposed Longline

Shamrock Shellfish Ltd hangs its mussel drop-lines

At a density of 6 between each float, this is the density

Required to grow the mussels, other farms chose to

Hang up to 25 drop-lines between each float and have less long lines

But the overall CAPACITY is much greater.

Port

T06/106
5.5 Ha

M A K I L L

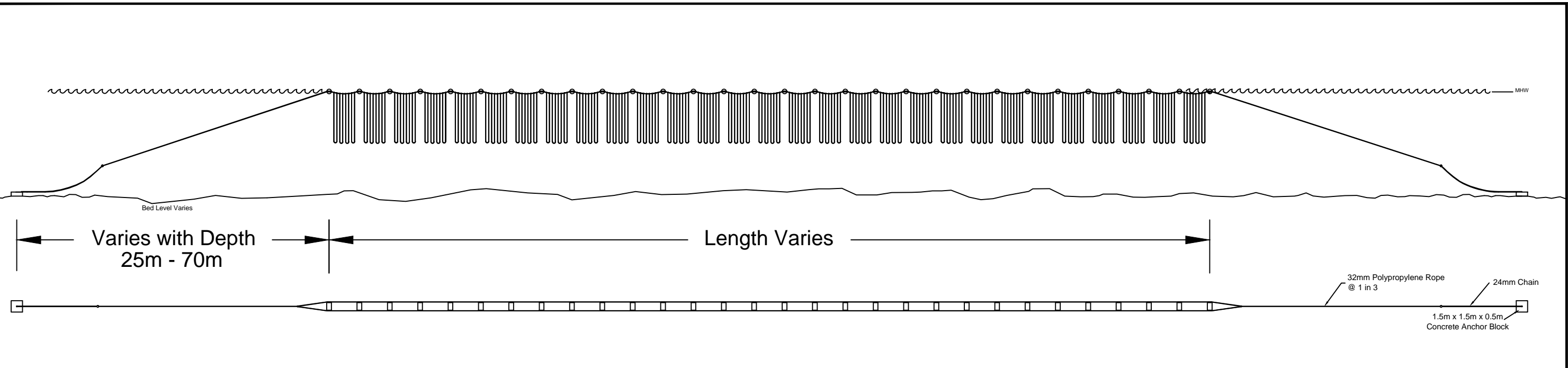


Port

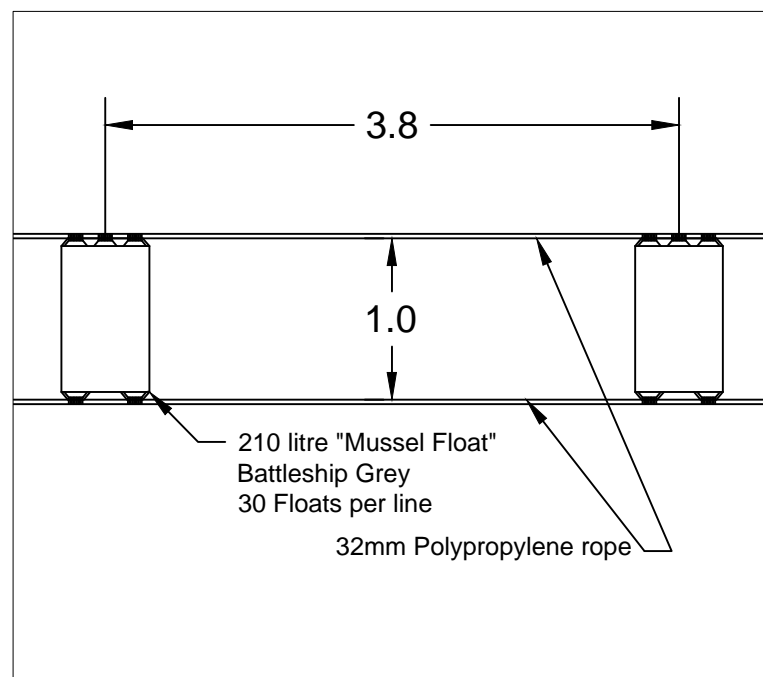
Ordnance Survey Ireland Licence No. EN 0076418
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Note: Access via Bunaw (Kilmakilloge) Pier

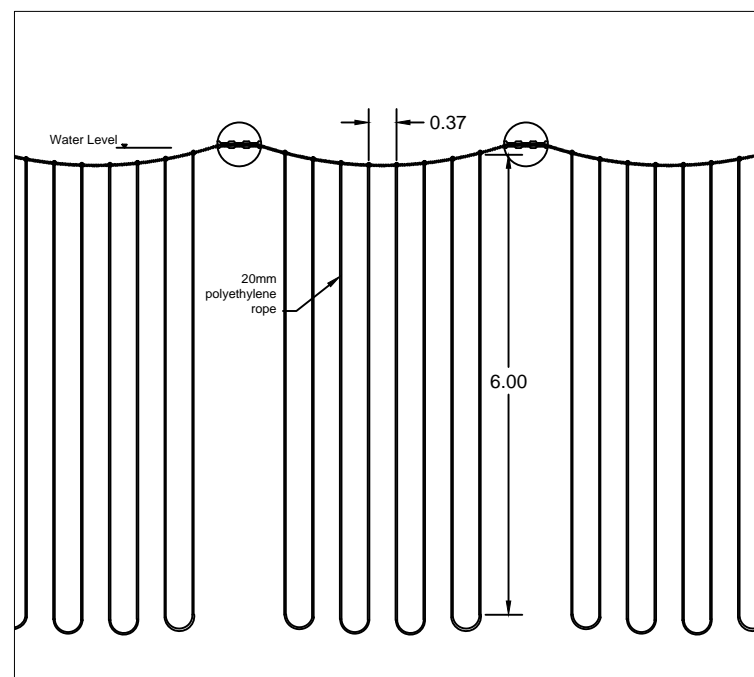
Aquaculture Site Ref. T06/106



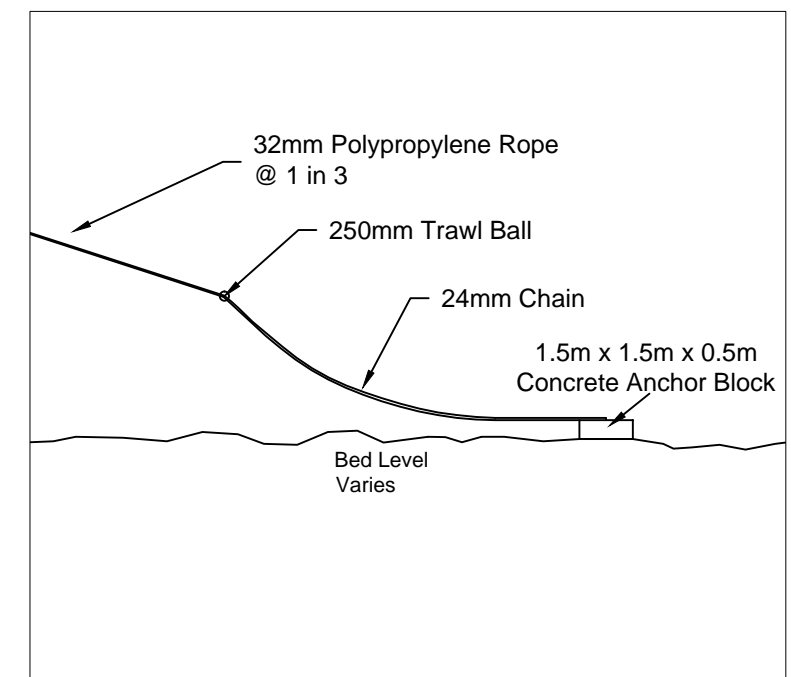
Typical Longline Section & Plan Detail
Scale 1:500



Typical Float & Rope Plan Detail
Scale 1:50



Typical Float & Rope Section Detail
Scale 1:100



Typical Anchorage Section Detail
Scale 1:200

Notes:

The anchorage details shown are indicative only.

Project	Aquaculture Drawings Mytilus Edulis				
Title	Inshore Mussel Farm Longline Layout Double Headrope Longline				
Scale	As Shown @ A3		Drg. No.	-	
Drawn	Jan 2019		Rev.		
Checked					
Rev.	Date	Description	by	ch'd	app

Appropriate Assessment Conclusion Statement by Licensing Authority for aquaculture activities in Kenmare River Special Area of Conservation (SAC) (site code 2158)

This Conclusion Statement outlines how it is proposed to licence and manage aquaculture activities in the above Natura site in compliance with the EU Habitats Directive. Aquaculture in this Natura Site will be licensed in accordance with the standard terms and conditions as set out in the aquaculture licence templates. These are available for inspection on the Department's website

at: <https://www.agriculture.gov.ie/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureandforeshorelicencetemplates/>

The licences will also incorporate specific conditions so as to accommodate Natura requirements, as appropriate, in accordance with the principles set out in this document.

An Appropriate Assessment report of aquaculture in Kenmare River Special Area of Conservation (SAC) (Site Code: 02158) has been prepared by the Marine Institute on behalf of the Department of Agriculture, Food and the Marine. This report assessed the potential ecological interactions of aquaculture and fisheries activities on the Conservation Objectives of the site. From an aquaculture perspective the information upon which the Appropriate Assessment is based is the definitive list of applications and extant licences for aquaculture available at the time of assessment.

Description of the aquaculture projects

The projects involve the renewal of existing aquaculture activity and the licensing of new aquaculture activity within the SAC. Aquaculture is practiced in a number of locations within the SAC with a focus on shellfish species (mussels, oysters, scallops and clams) and finfish (salmon). Mussels are the predominant shellfish species cultured within the SAC, for example, Killmakilloge and Ardgroom Harbours produce significant amounts of mussel utilising suspended long-lines. There are also a number of sites dedicated to the culture of Atlantic Salmon.

Conservation Features for Kenmare River SAC

Kenmare River is designated as a SAC under the Habitats Directive. This SAC is designated for the habitats Large Shallow Inlet and Bay (1160), Reefs (1170) and Submerged Caves (8330). A number of coastal community types can also be found in the SAC, including those that are sensitive to pressures, which might arise from aquaculture, such as Maerl, seagrass and kelp reefs. The SAC is also

considered an important site for two mammal species, Harbour Seal and the Otter.

Appropriate Assessment

The function of the Appropriate Assessment is to determine if the ongoing and proposed aquaculture activities are consistent with the Conservation Objectives for the site. The National Parks and Wildlife Service (NPWS) provide guidance on interpretation of the Conservation Objectives which are, in effect, management targets for habitats and species in 'Natura' sites. The assessment of activities was informed by this guidance, which is scaled relative to the anticipated sensitivity of the habitats and species to disturbance by the proposed activities. Some activities are deemed to be wholly inconsistent with the long-term maintenance of certain sensitive habitats while other habitats can tolerate a range of activities. For the practical purpose of management of sedimentary habitats a 15% threshold of overlap between a disturbing activity and a habitat is given in the NPWS guidance. Below this threshold disturbance is deemed to be non-significant. Disturbance is defined as that which leads to a change in the characterizing species of the habitat (which may also indicate change in structure and function). Such disturbance may be temporary or persistent in the sense that change in characterizing species may recover to pre-disturbed state or may persist and accumulate over time.

Findings and Recommendations of the Article 6(3) Appropriate Assessment

Aquaculture and Habitats:

The appropriate assessment finds that the majority of activities, at the current and proposed or likely future scale and frequency of activity are consistent with the Conservation Objectives for the Annex 1 Habitats, with the following exceptions:

1. Within the Kenmare River SAC there is an expired licence (no renewal received) for the culture of Scallops on the seabed. This overlapped three keystone communities, '*Zostera* dominated community', '*Maerl* dominated community' and '*Pachycerianthus multiplicatus* community'. Culture of Scallop on the seabed is deemed disturbing to such community types. As key contributors to biodiversity and being sensitive to disturbance these community types must be afforded a high degree of protection and no overlap with a disturbing activity can be tolerated.
2. '*Maerl* dominated community' occurs in certain areas (Ardgroom and Killmakilloge Harbours) which are outside of the Qualifying Interests for which the Kenmare River SAC was designated but are still within the SAC

boundary. Maerl, the characterising species of this community, is listed as an Annex V species and as it is within the SAC boundary it must be afforded protection. Suspended mussel culture in Ardgroom Harbour spatially overlaps (1.84%) this community type and is considered disturbing. As a key contributor to biodiversity and being sensitive to disturbance this community type is afforded a high degree of protection and no overlap with a disturbing activity can be tolerated.

3. '*Zostera*-dominated community', as a key contributor to biodiversity and which is sensitive to disturbance should be afforded a high degree of protection i.e. thresholds for impact on these habitats is low and any significant anthropogenic disturbance should be avoided.

Aquaculture and Species:

The appropriate assessment acknowledges that the favourable conservation status of the Harbour Seal has been achieved given the current levels of aquaculture production within the SAC. On this basis the current levels of licensed aquaculture are considered non-disturbing to harbour seal conservation features. The following are the exceptions:

- In Coongar Harbour an oyster farm (licensed) and an application site for mussel culture is in very close proximity to a seal moulting site. The seal site in question has multiple recordings of seals and, therefore, would be considered an important location. The aquaculture site in question has structures confined to the northern portion of the site and cannot expand beyond this immediate area based on the topography of the site. This ensures that the activity will not occur in close proximity to the seal haul-out location. An expansion of intertidal aquaculture activity to areas in the immediate vicinity of the haul out locations would likely increase the risk of disturbance of the seals during the moulting period. The mussel culture site application is an expansion of existing operations and it is likely that seals will be habituated or tolerant of disturbance from this activity;
- In Ardgroom Harbour a mussel farm overlaps a seal site (breeding). A single sighting was recorded at the mussel culture site during 2000 and 2001 – it is assumed, given the lack of natural structures at the site in question, that the seal was hauled out on mussel rafts. The site in question has been licensed (and active) since 1992.

The appropriate assessment found that the aquaculture activities proposed do not pose a threat to the Otter or migrating salmon in the Kenmare River SAC.

Mitigation

Taking account of the recommendations of the Appropriate Assessment, as well as additional technical/scientific observations, the following measures are being taken in relation to licensing in this SAC.

- The overlap of ‘scallop culture’ with sensitive communities identified in the assessment report is noted. While the scallop culture had been licensed, the licence has expired and no renewal application has been received. The principles that will apply to any further applications for aquaculture in this area are as follows:
 - i. No overlap with sensitive habitats will be permitted
 - ii. There will be an additional requirement for a sufficient buffer zone to allow for mapping resolution and/or visual enforcement of exclusion
- With one exception, the AA found that the current levels of licensed shellfish and finfish culture and proposed applications are considered non-disturbing to harbour seal conservation features. The exception is the intertidal oyster culture site in Coongar Harbour. If licensing is to be considered for this site, it will be necessary to redraw the site boundaries to exclude the area overlapping the seal haul-out locations to mitigate any disturbance risk to seals.
- A finfish culture site within Kilmakilloge Harbour is in close proximity to designated seal sites. Seal interactions with marine finfish cages have been identified. The risk to seals (as predators) result from their interaction with netting if incorrectly configured. In terms of mitigation and in order to minimise the risk the operator will be instructed to employ a range of management actions including stock management (density control, regular removal of mortalities from cages), use of seal blinds and appropriate net tensioning.
- Aquaculture activity (suspended mussel culture) within Ardgroom Harbour spatially overlaps (1.84%) with the Maerl dominated community and may have negative effects on the distribution and quality of this community type. If licensing is to be considered for this site, it will be

necessary to redraw the site boundaries to exclude the area overlapping the Maerl dominated community, allowing for a suitable buffer zone.

- The location of an intertidal oyster cultivation operation over a *Zostera* bed is considered disturbing. This activity overlaps 18.05% of this community type within the SAC. Given the highly sensitive nature of this community type any activity is likely to have impact either by shading by trestles on seagrass or compaction by transport routes to/through the trestles and increased organic enrichment. It is not proposed to licence this site.
- A licence condition requiring strict adherence to the identified access routes over intertidal habitat in order to minimise species/ habitat disturbance will be required for all relevant sites.
- A licence condition requiring that the licensed and adjoining areas shall be kept clear of all redundant structures (including apparatus, equipment and/or uncontained stock), waste products and operational litter or debris, with provisions for the prompt removal and proper disposal of such material will be required for all relevant sites.
- A licence condition requiring full implementation of the measures set out in the draft Marine Aquaculture Code of Practice prepared by Invasive Species Ireland (e.g. <http://invasivespeciesireland.com/cops/aquaculture>) will be required for all relevant sites .
- The movement of stock in and out of the Kenmare River SAC should adhere to relevant fish health legislation will be required for all relevant sites.
- The use of updated and enhanced Aquaculture and Foreshore Licences containing terms and conditions which reflect the environmental protection required under EU and National law will be required for all relevant sites;

Conclusion

The Licensing Authority is satisfied that, given the conclusions and recommendations of the Appropriate Assessment process, a decision can be taken in favour of licensing existing and proposed aquaculture operations in Kenmare River SAC, subject to the implementation of the mitigation measures outlined above and other licensing related considerations.

Accordingly, the Licensing Authority is satisfied that by not licensing overlaps with *Zostera* and *Maerl* and other sensitive communities the proposed licensing is not likely to have a significant effect on the integrity of Kenmare River SAC.

September 2019

Therese O`Keeffe,
Aquaculture & Foreshore Management Division,
Department of Agriculture, Food and the Marine,
National Seafood Centre,
Clonakilty,
County Cork.

Date 18th July 2019.

Ref. T06/035A/106/226A/254A/495A/496A.

Dear Therese,

Thanks for giving me the opportunity to reply to the following objections and for your help and professionalism throughout this difficult and messy process,

I may appear as a difficult and uncooperative person during this process but I have done what I believe is right to high light the difficulties of licencing in Kilmackilloge as opposed to other harbours and expose wrong doing by some. The department also needs to be proactive in managing licencing and engage with producers and not adopt a position like was taken at a meeting in Castltown Bearhaven that "this is it now lads, like it or lump it" type of approach.

The department also needs to operate in an unbiased fashion and not be fevering one particular operation as happened in that BIM report which by the way I will not be forgetting about and my advice would be to throw it back to BIM and have nutting to do with suppressing it as this will escalate and escalate.

When looking at licencing in Kilmackiloge Harbour the issue is capacity, not the number of long lines, if you reduce the number of lines per hecter, the farmer will increase the number of ropes in-between each float so capacity will not decrease and if you then say specify the number of ropes then who's going to be checking that, the reason I put the number of lines I have in my site is to spread out my drop ropes as much as possible, I have one of the lowest number of ropes in between floats in the harbour, something I will get into in more detail with later in relation to [REDACTED]

[REDACTED] Reducing the number of line per hecter was tried in Ardgroom Harbour but made no difference as everyone increase their density of drop ropes, people like going on about my number of long line as I do have the highest number per hecter, those lines are in there site as much as any

other farm in the harbour and will be perfectly inside if that's what is required of everyone in the harbour, my farm is producing between 250-300 tonne per year because it's a very good site and I work very hard at it unlike some others who hardly ever turn up but winge and mone all the time about their production.

If the department issues licences on sites where there are not presently long lines this will increase capacity and clearly have a direct impact on existing operator's incomes,

trying to do this on the back of saying it was licenced sometime in the past, will not wash, or that its outside the harbour which it's not, will not wash, the department will be knowing impacting existing operators incomes and will have to compensate.

I will deal with the main bank of objectors in two groups and [REDACTED] individually.

Group One – Visual Impact/Pollution

[REDACTED]
[REDACTED]

Will what can I say but yes mussel farming has a visual impact, the [REDACTED] and [REDACTED] objections are understandable, they have no objection to mussel farming in general but are concerned that the harbour will become like Ardroom, Roweringwater, Killary, covered in Loglines, the rest are unreasonable people who want nutting on the water in case it pollutes or effects the value of their holiday home, like really, and tha [REDACTED] is trying to make out all shore line pollution is down to mussel farming when a lot of that rubbish is rubbish [REDACTED] and neighbours and other sea users, most of these people either [REDACTED] or have [REDACTED] and expect the locals to [REDACTED]

Group Two - Livelihoods

[REDACTED]

I can't blame them for been concerned and Iam suppresse [REDACTED] and [REDACTED] have not objected as will, I guess they are suffering from objector burnout, There are also other fishermen effected who have also not objected here but have said they will "deal with any new lines".

But been serious these guys would be finished in mussel farming if capacity in the harbour is increased as their farms are already struggling,

I have my applications in because the department can't now say you never applied, if there is new capacity I should be first in line, *smiley face*.

[REDACTED]

I had a double take on this objection when I read it first and it's as will I had five copes as I needed to make sure I had not read it incorrectly [REDACTED] makes three points and I will deal with them separately

1. The density of Longlines :

[REDACTED] is quick to quote Gary McCoy and why wouldn't he as it's a report done by BIM [REDACTED] [REDACTED] talks about the inner harbour as if the harbour is split, there is just the one harbour in Kilmackilloge whether you're in the middle outer or inner its all the same, put in extra capacity and you get a reduction in grout [REDACTED] clearly thinks [REDACTED] getting extra space and would be happy to see everyone else reduced, sure if I got extra space I would reduce my density as will, so there you go another reason to give those extra hecters to me.

2/3. My Harvesting Raft/Staff Training:

This is the ones I nearly fell off my chare laughing at, I'm sure any one reading these points would think that [REDACTED] where ones concerned with safety, will the reality is anything but, there have [REDACTED] [REDACTED], one only three months back where there [REDACTED] [REDACTED] and [REDACTED] and the TWO which have let to them been [REDACTED] and [REDACTED] something I would say is unique with in the industry and I'm surprised [REDACTED] was not concerned about " the reputational damage to the rope mussel industry" , The first was where one of their [REDACTED] go [REDACTED] [REDACTED] I [REDACTED] and has a [REDACTED] the second was where a more senior worker [REDACTED] [REDACTED]

I just had to tell you all of the above just to high light how having the box ticked a [REDACTED] is very good at means nutting with regard to [REDACTED] and has done nutting but [REDACTED] over the years in Kilmackilloge and Ardgroom, the company is ran both financially and on the water in a ver [REDACTED] [REDACTED] icenced to it yet my site of six hecters produces more mussels, yes hard to believe but fact.

[REDACTED] also buy mussels from other farms in Class B waters and [REDACTED] [REDACTED], something the department strangely has not followed up on to this point.

As regard to staff training I am the only staff Shamrock Shellfish Ltd has and I have 35 years working experience and was on the first aquaculture course in Ireland in the Greencastle centre in Donegal so there you go, I'm sur [REDACTED] [REDACTED] is he needs to get out on the farm and do some work and reduce costs and be a lot healthier too.

[REDACTED]

[REDACTED] objection is basically I'n [REDACTED] and I overstocking my site which [REDACTED] has a problem with. The problem here is [REDACTED] is [REDACTED] and dos not know what [REDACTED] talking about and has a couple [REDACTED] talking in his Eyre.

Firstly my long lines have not moved, I drew lines on the map you sent me, the lines I drew and the lines Raphael drew are not where the lines on the water are and that's where [REDACTED] is getting confused, I just drew in the extra lines to make up the total number of lines that are actually there, Please see Pic.1 to see distance between our lines at 10am on Thursday the 18th of July and I can assure you they are not [REDACTED] site and you may not [REDACTED] line to the lift is very loose and is the one most likely to drift into my site, if someone wanting to find out the exact location of lines they would need to get an engineer and even that would only show where the lines are at the time the survey was done.

[REDACTED] goes on about 220meter lines which is what I have but [REDACTED] has much longer lines [REDACTED] kept adding on to the line over the years and the first thing [REDACTED] did when [REDACTED] was to add on to the short one that's in the farm, that's now not that short any more [REDACTED] lines are on average 10 to 15 floats [REDACTED] that's why I keep saying it needs to be a licence which says your lines must be in your site because [REDACTED] is wrong when he says my capacity is greater than [REDACTED] because [REDACTED] lines are longer [REDACTED] hangs more drop ropes per section, 18 per section over my 12 per section, see Pic.2/3 and [REDACTED] drop ropes are over 35% longer, when you get down to the reality here [REDACTED] capacity is much bigger than mine, [REDACTED] got slightly less lines on the map but there LONGER, HAVE MORE ROPES AND THE ROPES ARE LONGER. I would estimate [REDACTED] greater than mine, this is the reality when you get into the detail and this is why you need to keep licences simple because say you specify 4 lines per hectare and you refuse my licence because I have more but give [REDACTED] you will have a problem because in reality [REDACTED] has more it's just [REDACTED] have been more [REDACTED] and less open about how they actually operate.

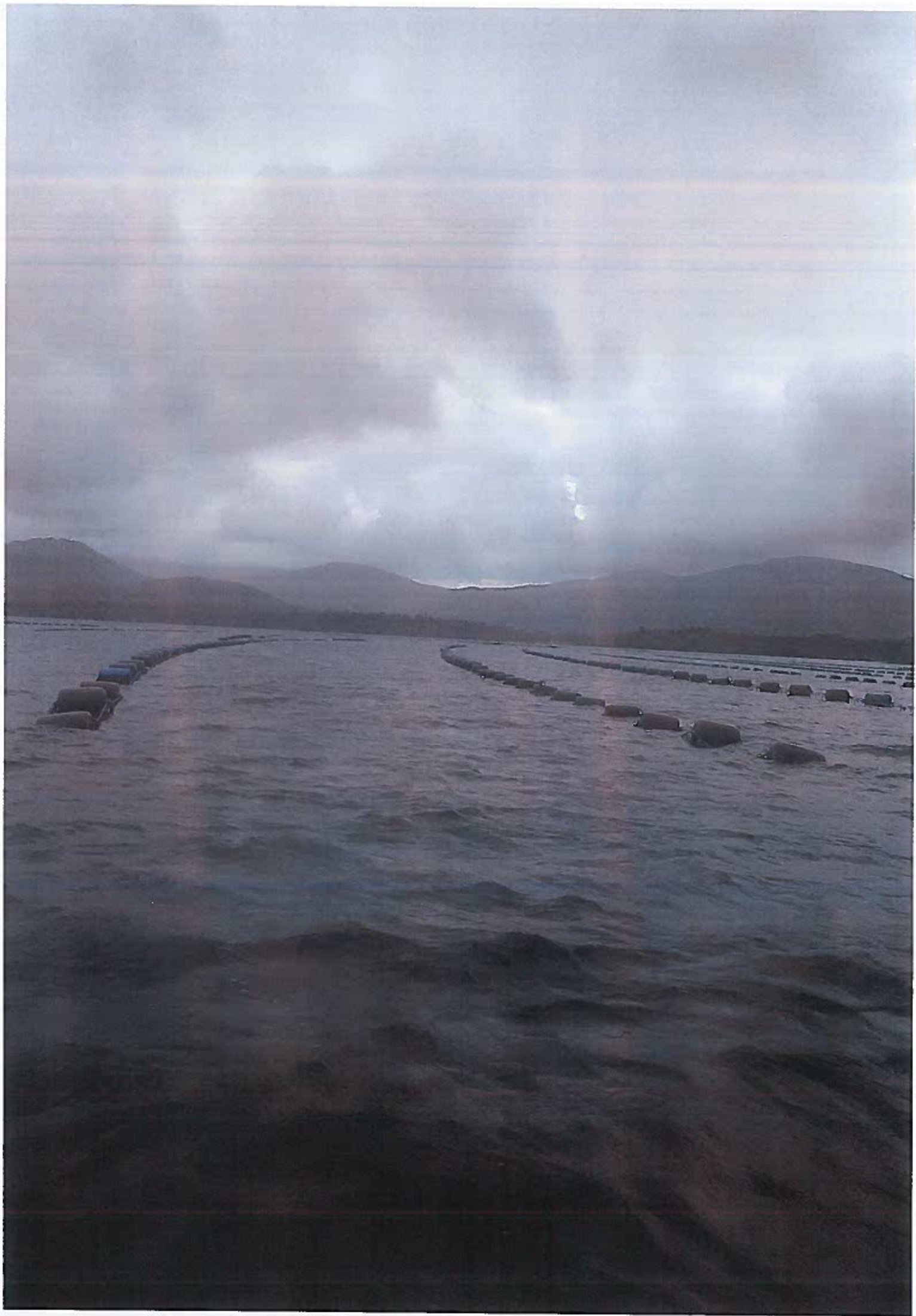
Therefore, I will finish by saying the department need to think long and hard about what licences and the type of licence it issues, My advice would be just issue licences where there are long lines at present, say based on a Google Earth image of farm today, anything else will lead to trouble where individuals incomes are reduced and a blame game will start, fishermen will get involved and that's going to [REDACTED] you should be able to see already where the process has led to a lot of [REDACTED] and will in time lead to [REDACTED] here is already [REDACTED] [REDACTED] who were previously working together.

Regards,

Sean McCarthy. Director.









Report supporting Appropriate Assessment of Aquaculture and
Fisheries Risk Assessment in Kenmare River SAC

(Site Code: 02158)

Marine Institute

Rinville

Oranmore, Co. Galway

Version: March 2019

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1. Preface

In Ireland, the implementation of Article 6 of the Habitats Directive in relation to aquaculture and fishing projects and plans that occur within designated sites is achieved through sub-Article 6(3) of the Directive. Fisheries not coming under the scope of Article 6.3, i.e. those fisheries not subject to secondary licencing, are subject to risk assessment. Identified risks to designated features can then be mitigated and deterioration of such features can be avoided as envisaged by sub-article 6.2.

Fisheries, other than oyster fisheries, and aquaculture activities are licenced by the Department of Agriculture, Food and Marine (DAFM). Oyster fisheries (in fishery order areas) are licenced by the Department of Communications Energy and Natural Resources (DCENR). The Habitats Directive is transposed in Ireland in the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011). Appropriate assessments (AA) of aquaculture and risk assessments (RA) of fishing activities are carried out against the conservation objectives (COs), and more specifically on the version of the COs that are available at the time of the Assessment, for designated ecological features, within the site, as defined by the National Parks and Wildlife Service (NPWS). NPWS are the competent authority for the management of Natura 2000 sites in Ireland. Obviously, aquaculture and fishing operations existed in coastal areas prior to the designation of such areas under the Directives. Ireland is thereby assessing both existing and proposed aquaculture and fishing activities in such sites. This is an incremental process, as agreed with the EU Commission in 2009, and will eventually cover all fishing and aquaculture activities in all Natura 2000 sites.

The process of identifying existing and proposed activities and submitting these for assessment is, in the case of fisheries projects and plans, outlined in S.I. 290 of 2013. Fisheries projects or plans are taken to mean those fisheries that are subject to annual secondary licencing or authorization. Here, the industry or the Minister may bring forward fishing proposals or plans which become subject to assessment. These Fishery Natura Plans (FNPs) may simply be descriptions of existing activities or may also include modifications to activities that mitigate, prior to the assessment, perceived effects to the ecology of a designated feature in the site. In the case of other fisheries, that are not projects or plans, data on activity are collated and subject to a risk assessment against the COs. Oyster fisheries, managed by DCENR, do not come under the remit of S.I. 290 of 2013 but are defined as projects or plans as they are authorized annually and are therefore should be subject to AA.

In the case of aquaculture, DAFM receives applications to undertake such activity and submits a set of applications, at a defined point in time, for assessment. The FNPs and aquaculture applications are then subject to AA. If the AA or the RA process finds that the possibility of significant effects cannot be discounted or that there is a likelihood of negative consequence for designated features then such activities will need to be mitigated further if they are to continue. The assessments are not explicit on how this mitigation should be achieved but rather indicate whether mitigation is required or not and what results should be achieved.

2. Executive summary

2.1 The SAC

Kenmare River is designated as a Special Area of Conservation (SAC) under the Habitats Directive. The marine area is designated for the habitats Large Shallow Inlet and Bay, Reef and Submerged Caves. The bay supports a variety of sub-tidal and intertidal sedimentary and reef habitats including habitats that are sensitive to pressures, which might arise from fishing and aquaculture, such as Maërl (corraline algae), seagrass and kelp reefs. The area is also designated for and supports significant numbers of Harbour Seal and Otter. Conservation Objectives for these habitats and species were identified by NPWS (2013a) and relate to the requirement to maintain habitat distribution, structure and function, as defined by characterizing (dominant) species in these habitats. For designated species the objective is to maintain various attributes of the populations including population size, cohort structure and the distribution of the species in the Bay. Guidance on the conservation objectives is provided by NPWS (2013b).

2.2 Activities in the SAC

Aquaculture includes the production of shellfish and finfish. The main aquaculture activity is suspended long-line mussel (*Mytilus edulis*) culture. Oyster culture involves the culture of the Pacific oyster (*Crassostrea gigas*) on trestles in intertidal areas. Clam and Scallop culture are both licensed in the area but are not currently active. There are four finfish (*Salmo salar*) farm sites currently active within the SAC.

The profile of the aquaculture industry in the Kenmare River, used in this assessment, was prepared by BIM and is derived from the list of licence applications received by DAFM and provided to the Marine Institute for assessment in March 2019.

A range of fishing activities occur in Kenmare River including potting, dredging and trawling for shellfish, demersal fish and pelagic fish. Other activities include, intertidal seaweed harvesting as well as seal watching tourism activity.

2.3 The Appropriate Assessment Process

The function of an appropriate assessment and risk assessment is to determine if the ongoing and proposed aquaculture and fisheries activities are consistent with the Conservation Objectives for the Natura site or if such activities will lead to deterioration in the attributes of the habitats and species over time and in relation to the scale, frequency and intensity of the activities. NPWS (2013b) provide guidance on interpretation of the Conservation Objectives which are, in effect, management targets for habitats and species in the SAC. This guidance is scaled relative to the anticipated sensitivity of habitats and species to disturbance by the proposed activities. Some activities are deemed to be wholly inconsistent with long term maintenance of certain sensitive habitats while other habitats can tolerate a range of activities. For the practical purpose of management of sedimentary habitats a 15% threshold of overlap between a disturbing activity and a habitat is given in the NPWS guidance. Below this threshold disturbance is deemed to be non-significant. Disturbance is defined as that which leads

to a change in the characterizing species of the habitat (which may also indicate change in structure and function). Such disturbance may be temporary or persistent in the sense that change in characterizing species may recover to pre-disturbed state or may persist and accumulate over time.

The appropriate assessment and risk assessment process is divided into a number of stages consisting of a preliminary risk identification, and subsequent assessment (allied with mitigation measures if necessary) which are covered in this report. The first stage of the process is an initial screening wherein activities which cannot have, because they do not spatially overlap with a given habitat or have a clear pathway for interaction, any impact on the conservation features and are therefore excluded from further consideration. The next phase is the Natura Impact Statement (NIS) where interactions (or risk of) are identified. Further to this, an assessment on the significance of the likely interactions between activities and conservation features is conducted. Mitigation measures (if necessary) will be introduced in situations where the risk of significant disturbance is identified. In situations where there is no obvious mitigation to reduce the risk of significant impact, it is advised that caution should be applied in licencing decisions. Overall the Appropriate Assessment is both the process and the assessment undertaken by the competent authority to effectively validate this Screening Report and/or NIS. It is important to note that the screening process is considered conservative, in that other activities which may overlap with habitats but which may have very benign effects are retained for full assessment. In the case or risk assessments consequence and likelihood of the consequence occurring are scored categorically as separate components of risk. Risk scores are used to indicate the requirement for mitigation.

2.4 Data Supports

Distribution of habitats and species population data are provided by NPWS¹. Scientific reports on the potential effects of various activities on habitats and species have been compiled by the MI and provide the evidence base for the findings. The profile of aquaculture activities was provided by BIM. The data supporting the assessment of individual activities vary and provides for varying degrees of confidence in the findings.

2.5 Findings

Aquaculture and Habitats:

The appropriate assessment and risk assessment finds that the majority of activities, at the current and proposed or likely future scale and frequency of activity are consistent with the Conservation Objectives for the Annex 1 habitats. The following are the exceptions:

1. Within the Kenmare River SAC the culture (licensed) of Scallops (*Pecten maximus*) on the seabed overlaps with three keystone communities, *Zostera* dominated community, Maerl dominated community and *Pachycerianthus multiplicatus* community. This activity is deemed disturbing to such community types. As key contributors to biodiversity and being sensitive to

¹ NPWS Geodatabase Ver: September 2013 - <http://www.npws.ie/mapsanddata/habitatspeciesdata/>

disturbance these community types are afforded a high degree of protection and no overlap with a disturbing activity can be tolerated.

2. Maerl dominated community occurs in certain areas (Ardgroom and Killmakilloge Harbours) which are outside of the Qualifying Interests for which the Kenmare River SAC was designated but are still within the SAC boundary. Maerl, the characterising species of this community, is listed as an Annex V species and as it is within the SAC boundary it must be afforded protection. Suspended mussel culture in Ardgroom Harbour overlaps this community type and is considered disturbing. As a key contributor to biodiversity and being sensitive to disturbance this community types is afforded a high degree of protection and no overlap with a disturbing activity can be tolerated.

Aquaculture and Species:

- It is acknowledged in this assessment that the favourable conservation status of the Harbour seal (*Phoca vitulina*) has been achieved given current levels of aquaculture production within the SAC. On this basis, the current levels of licenced aquaculture (existing) are considered non-disturbing to harbour seal conservation features. The following is one exception:
 - o Aquaculture activity (oyster farm) overlapping Harbour Seal moulting site in Coongar Harbour. It is recommended that the site boundaries be redrawn to exclude the harbour seal haul-out location.
- The aquaculture activities proposed do not pose a threat to the Otter or migrating salmon in the Kenmare River SAC.

Fisheries and Habitats:

- Pot fisheries may pose a high risk to sensitive habitats (Zostera and Maerl) in Kenmare Bay and a low-moderate risk (depending on level of activity) to kelp communities
- Depending on intensity of activity demersal trawling may impact muddy sand communities in outer Kenmare Bay
- Scallop dredging poses a risk to faunal reef communities in Kenmare Bay.

Fisheries and Species:

- Although there is a risk of by-catch of harbour seal in set net fisheries in outer Kenmare Bay and in midwater trawl fisheries in the inner Bay this is unlikely to impact the Harbour Seal population in Kenmare. Sprat fisheries occur sporadically in Kenmare Bay and may temporarily reduce prey availability for Harbour Seal. This is unlikely to have significant effects on the Harbour Seal population
- Otters may occur as by-catch in trammel nets and pots fished in shallow water (<5m depth). As pots are usually deployed in waters deeper than 5m the risk of by-catch is thought to be very low and insignificant to otter populations in Kenmare

3. Introduction

This document assesses the potential ecological interactions of aquaculture and fisheries activities within the Kenmare River SAC (site code 2158) on the Conservation Objectives (COs) of the site.

The information upon which this assessment is based is a list of applications and extant licences for aquaculture activities administered by the Department of Agriculture Food and Marine (DAFM) and forwarded to the Marine Institute as of August 2013; as well as aquaculture and fishery profiling information provided on behalf of the operators by Bord Iascaigh Mara. The spatial extent of aquaculture licences is derived from a database managed by the DAFM² and shared with the Marine Institute.

4. Conservation Objectives for Kenmare River SAC (002158)

The appropriate assessment of aquaculture in relation to the Conservation Objectives for Kenmare River SAC is based on Version 1.0 of the objectives (NPWS 2013a - Version 1 April 2013) and supporting documentation (NPWS 2013b - Version 1 March 2013). The spatial data for conservation features was provided by NPWS³.

4.1 The SAC Extent

Kenmare River is a long and narrow south-west facing bay situated in the south west of Ireland. Kenmare River has an exceptional complement of marine and terrestrial habitats associated with exposed coasts and ultra-sheltered bays. Numerous islands and inlets along the length of the bay provide areas of additional shelter in which a variety of habitats occur. Kenmare River SAC is designated for the marine Annex I qualifying interests of Large hallow inlets and bays (1160), Reefs (1170) and Submerged or partially submerged seacaves (8330). The Annex I habitat Large shallow inlets and bays is a large physiographic feature that may wholly or partly incorporate other Annex I habitats including Reefs and Submerged Seacaves within its area. A number of coastal habitats can also be found in the SAC, including Fixed coastal dunes with herbaceous vegetation (grey dunes), Vegetated sea cliffs of the Atlantic and Baltic coasts and shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes"). The SAC is also considered an important site for the two mammal species Harbour Seal (*Phoca vitulina*) and the Otter (*Lutra lutra*). The extent of the SAC is shown in Figure 1 below.

4.2 Qualifying Interests (SAC)

The SAC is designated for the following habitats and species (NPWS 2013a), as listed in Annex I and Annex II of the Habitats Directive:

- 1014 Marsh Snail *Vertigo angustior*

² DAFM Aquaculture Database version Aquaculture: 11th Nov, 2013

³ NPWS Geodatabase Ver: September 2013 - <http://www.npws.ie/mapsanddata/habitatspeciesdata/>

- 1160 Large shallow inlets and bays
- 1170 Reefs
- 1220 Perennial vegetation of stony banks
- 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts
- 1303 Lesser Horseshoe Bat *Rhinolophus hipposideros*
- 1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae)
- 1355 Otter *Lutra lutra*
- 1365 Harbour seal *Phoca vitulina*
- 1410 Mediterranean salt meadows (*Juncetalia maritimi*)
- 2120 Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes")
- 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)
- 4030 European dry heaths
- 6130 Calaminarian grasslands of the *Violetalia calaminariae*
- 8330 Submerged or partially submerged sea caves

Constituent communities and community complexes recorded within the qualifying interest Annex 1 habitats (i.e. 1160 - Large Shallow inlets and Bays, 1170 - Reefs) are listed in NPWS (2013b) and illustrated in Figure 2 and consist of:

- Intertidal mobile sand community complex
- *Zostera*-dominated community
- Maërl-dominated community
- *Pachycerianthus multiplicatus* community
- Muddy fine sands dominated by polychaetes and *Amphiura filiformis* community complex
- Fine to medium sand with crustaceans and polychaetes community complex
- Coarse sediment dominated by polychaetes community complex
- Shingle
- Intertidal reef community complex
- *Laminaria*-dominated community complex
- Subtidal reef with echinoderms and faunal turf community complex

The Kenmare River SAC is designated for the Harbour seal (*Phoca vitulina*) and has been the subject of annual monitoring surveys during the moulting season (August-September) from 2009-2011 (NPWS 2010, 2011, 2012). Recent estimates of harbour seal populations at the site (inner Kenmare River) are 310 in 2009, 324 in 2010, and 309 in 2011. Two sites located in outer Kenmare River, Illaunsillagh and Cove Harbour/West Cove, were also surveyed. Estimates of seal populations at these outer sites rose from 21 (2009) to 37 (2011) and from 31 (2010) to 50 (2011) respectively.

Kenmare River SAC

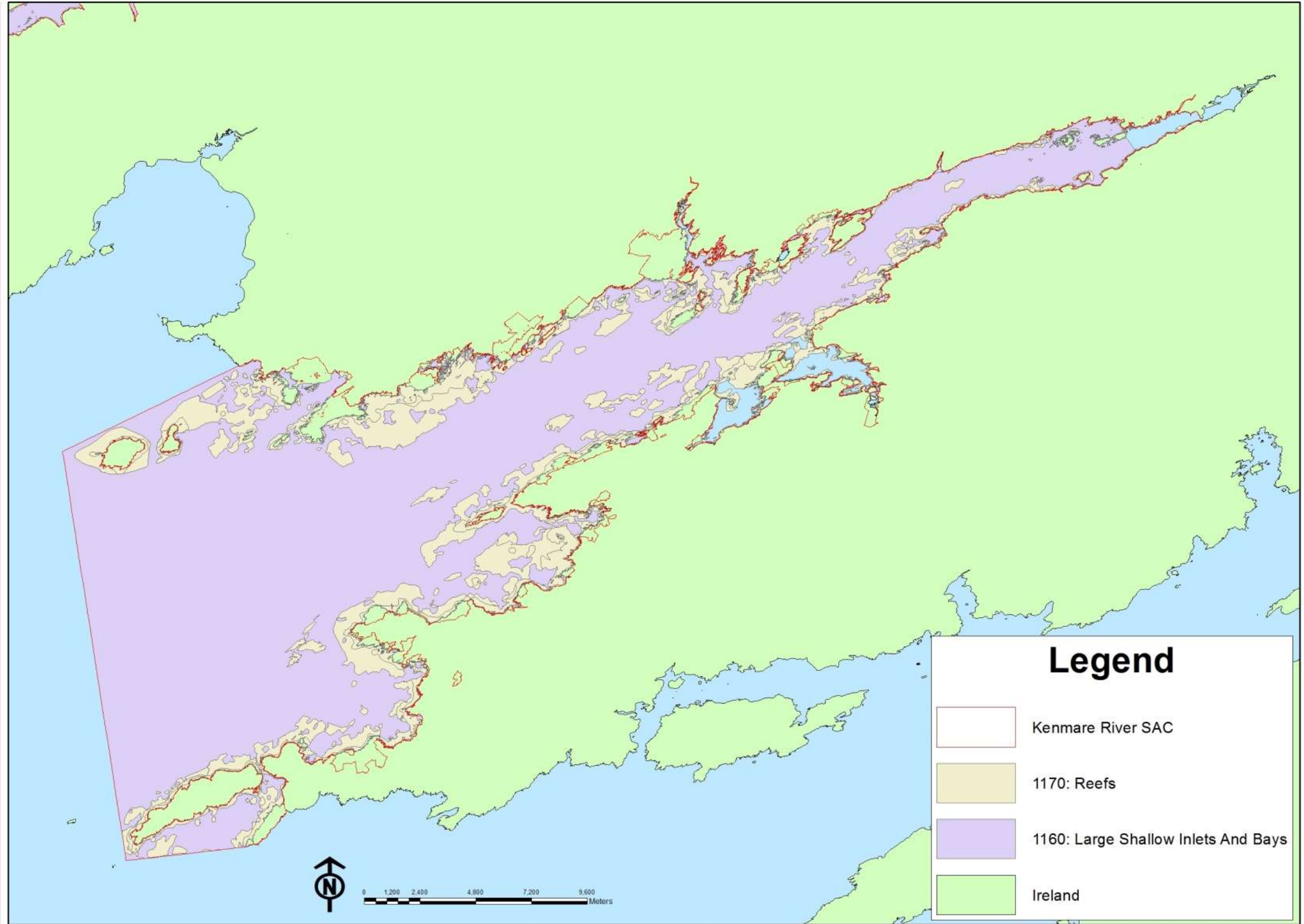


Figure 1: The extent of the Kenmare River SAC (Site Code 002158) and qualifying interest 1170 Reef and 1160 Large Shallow Inlet and Bay.

Kenmare River SAC Marine Community Types

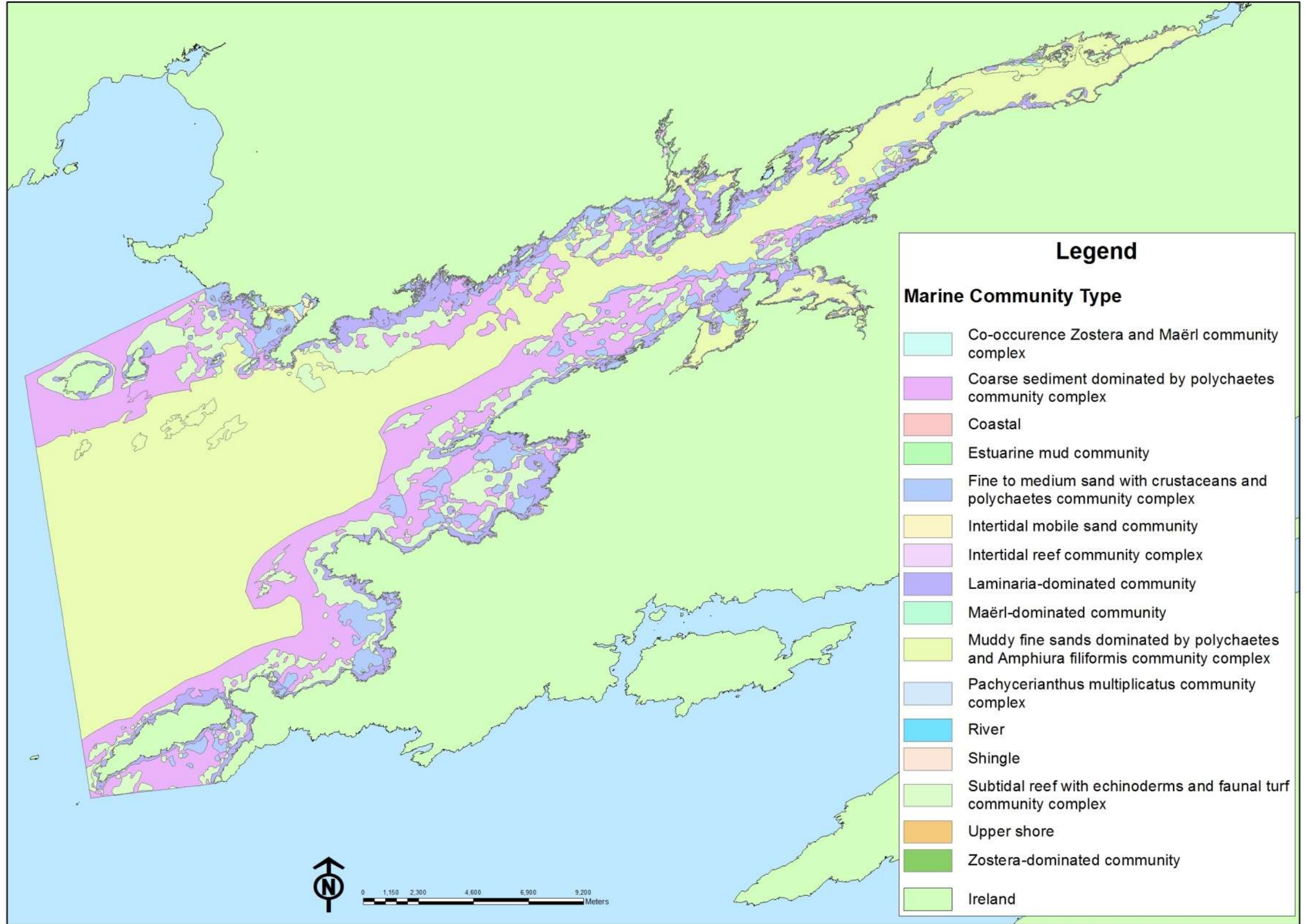


Figure 2. Principal benthic communities recorded within the qualifying interests Large shallow inlets and bays Reefs and Submerged or partially submerged sea caves within the Kenmare River SAC (Site Code 002158) (NPWS 2013a).

Based on recent reports (Cronin *et al.*, 2004; Heardman *et al.*, 2006; Cronin *et al.*, 2008, NPWS 2010, 2011, 2012) the Kenmare River is deemed important both on a regional and on a national scale regarding its Harbour seal population.

A number of different locations have been identified within the SAC (NPWS 2013a) and are considered important to the overall welfare and health of the Harbour seal populations at the site. Figure 3 identifies these locations and distinguishes between breeding, moulting and resting sites. A site naming convention based upon designated periods in the life cycle have been identified by the competent authority, i.e. NPWS (NPWS 2011; 2013b). Important periods are the pupping season (May-July) and moulting season (August-September) and both periods and locations are considered important periods to the overall health of the population in the SAC and that any disturbance during these times should be kept to a minimum. Less information is known about resting period (October-April) and resting areas throughout the SAC. The resting locations provided in Figure 3 represent locations where seals have been observed, yet it must be noted that sheltered areas within the entire SAC are considered suitable habitat for resting seals (NPWS 2012, 2013a).

The Kenmare River SAC is designated for the Otter, *Lutra lutra*. The species is listed in Annex IV(a) of the habitats directive and is afforded strict protection. According to the NPWS (2009) although otter numbers have declined from 88% in 1980/81 to 70% in 2004/05, otters remain widespread in Ireland.

4.3 Conservation Objectives for Kenmare River SAC

The conservation objectives for the qualifying interests (SAC) were identified in NPWS (2013a). The natural condition of the designated features should be preserved with respect to their area, distribution, extent and community distribution. Habitat availability should be maintained for designated species and human disturbance should not adversely affect such species. The features, objectives and targets of each of the qualifying interests within the SAC are listed in Table 1 below.

Kenmare River SAC Harbour Seal Haulout Sites

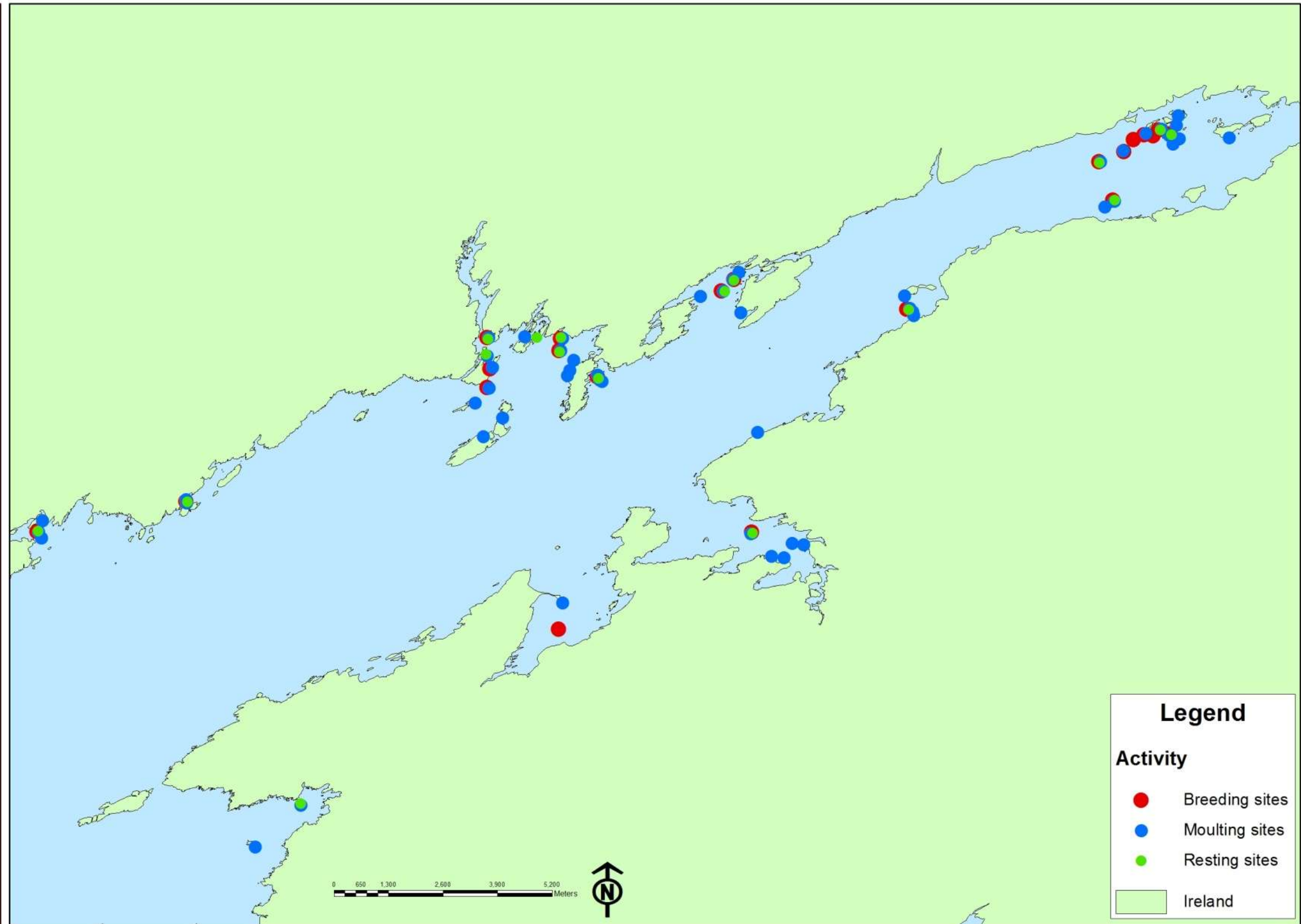


Figure 3 Harbour Seal (*Phoca vitulina*) locations in Kenmare River SAC (Site Code 002158).

**Kenmare River SAC
Adjacent Natura 2000 sites**

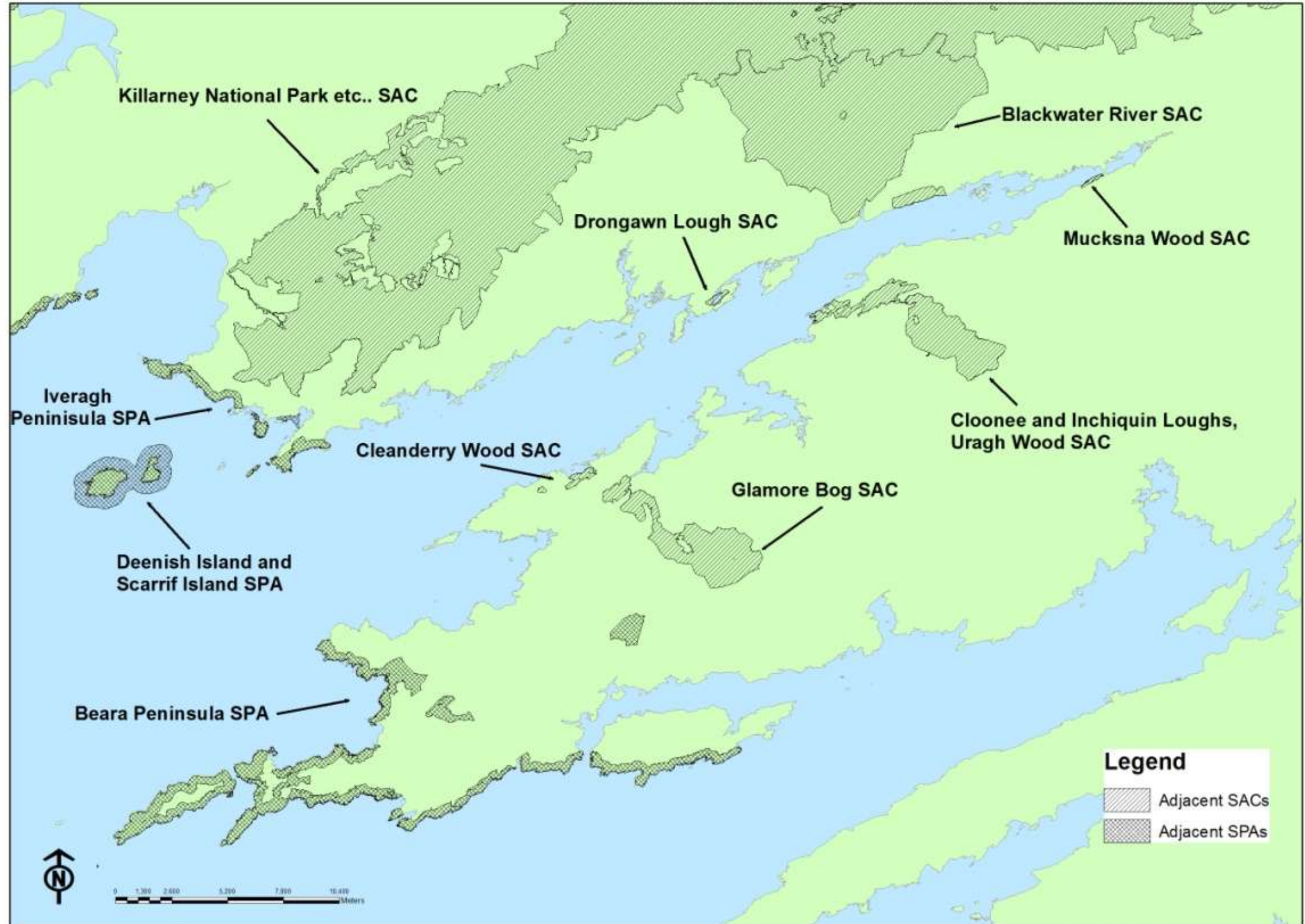


Figure 4. Natura 2000 sites adjacent to the Kenmare River SAC.

Table 1: Conservation objectives and targets for marine habitats and species in Kenmare River SAC (Site Code 002158) (NPWS 2013a, 2013b). Annex I and II features listed in bold.

Feature (Community Type)	Objective	Target(s)
Large shallow inlets and bays	Maintain favourable conservation condition	39,322ha; Targets are identified that focus on a wide range of attributes with the ultimate goal of maintaining function and diversity of favourable species and managing levels of negative species.
(Intertidal mobile sand community complex)	Maintain favourable conservation condition	63.07ha; Maintained in a natural condition
(<i>Zostera</i> dominated communities)	Maintain favourable conservation condition	20.04ha; Maintain natural extent and high quality of <i>Zostera</i> dominated communities
(Maërl-dominated community)	Maintain favourable conservation condition	46.82ha; Maintain natural extent and high quality of Maërl dominated communities
(<i>Pachycerianthus multiplicatus</i> community)	Maintain favourable conservation condition	6.23ha; Maintain natural extent and high quality of <i>Pachycerianthus multiplicatus</i> community
(Muddy fine sands dominated by polychaetes and <i>Amphiura filiformis</i> community complex)	Maintain favourable conservation condition	20,141.20ha; Maintained in a natural condition
(Fine to medium sand with crustaceans and polychaetes community complex)	Maintain favourable conservation condition	1987.75ha; Maintained in a natural condition
(Coarse sediment dominated by polychaetes community complex)	Maintain favourable conservation condition	8,309.80ha; Maintained in a natural condition
(Shingle)	Maintain favourable conservation condition	1.42ha; Maintained in a natural condition
(Intertidal reef community complex)	Maintain favourable conservation condition	525.46ha; Maintained in a natural condition
(<i>Laminaria</i> -dominated community complex)	Maintain favourable conservation condition	3,356.63ha; Maintained in a natural condition
(Subtidal reef with echinoderms and faunal turf community complex)	Maintain favourable conservation condition	4805.86ha; Maintained in a natural condition
Reefs	Maintain favourable conservation condition	9,196ha; The distribution and permanent area is stable or increasing, subject to natural processes.
(Intertidal reef community complex)	Maintain favourable conservation condition	680.26ha; Maintained in a natural condition
(Subtidal reef with echinoderms and faunal turf community complex)	Maintain favourable conservation condition	4,835.43ha; Maintained in a natural condition
(<i>Laminaria</i> -dominated community complex)	Maintain favourable conservation condition	3,676.57ha; Maintained in a natural condition
Perennial vegetation of stony banks	Maintain favourable conservation condition	Area unknown; Targets are identified that focus on a wide range of attributes with the ultimate goal of maintaining function and diversity of favourable species and managing levels of negative species.

Feature (Community Type)	Objective	Target(s)
Vegetated sea cliffs of the Atlantic and Baltic coasts	Maintain favourable conservation condition	>72.2ha; Targets are identified that focus on a wide range of attributes with the ultimate goal of maintaining function and diversity of favourable species and managing levels of negative species.
Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)	Maintain favourable conservation condition	2.65ha; Targets are identified that focus on a wide range of attributes with the ultimate goal of maintaining function and diversity of favourable species and managing levels of negative species.
Mediterranean salt meadows (<i>Juncetalia maritimi</i>)	Maintain favourable conservation condition	17.90ha; Targets are identified that focus on a wide range of attributes with the ultimate goal of maintaining function and diversity of favourable species and managing levels of negative species
Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes")	Maintain favourable conservation condition	1.67ha; Targets are identified that focus on a wide range of attributes with the ultimate goal of maintaining function and diversity of favourable species and managing levels of negative species
Fixed coastal dunes with herbaceous vegetation (grey dunes)	Maintain favourable conservation condition	20.41ha; Targets are identified that focus on a wide range of attributes with the ultimate goal of maintaining function and diversity of favourable species and managing levels of negative species
European dry heaths	Maintain favourable conservation condition	>300ha; Targets are identified that focus on a wide range of attributes with the ultimate goal of maintaining function and diversity of favourable species and managing levels of negative species and disturbance
Calaminarian grasslands of the <i>Vioetalia claminariae</i>	Maintain favourable conservation condition	3.1ha: Targets are identified that focus on a wide range of attributes with the ultimate goal of maintaining function and diversity of favourable species and managing levels of negative species and disturbance (soil toxicity).
Submerged or partially submerged sea caves	Maintain favourable conservation condition	Area unknown; Targets relate to maintaining distribution and managing human activities.
Marsh Snail <i>Vertigo angustior</i>	Maintain favourable conservation condition	A single site is identified for this species and targets relate to maintaining adult and sub-adult densities and overall habitat quality.
Otter <i>Lutra lutra</i>	Restore favourable conservation conditions	Maintain distribution - 88% positive survey sites.

Feature (Community Type)	Objective	Target(s)
		2748ha; No significant decline in extent of marine habitat; Couching sites and holts - no significant decline and minimise disturbance; Fish biomass - No significant decline in marine fish species in otter diet. Barriers to connectivity - No significant increase.
Harbour Seal <i>Phoca vitulina</i>	Maintain favourable conservation condition	The range of use within the site should not be restricted by artificial barriers; all sites should be maintained in natural condition; human activities should occur at levels that do not adversely affect harbour seal population at the site.
Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>)	Maintain favourable conservation condition	The range of use within the site should not be restricted by artificial barriers; all sites should be maintained in natural condition; human activities should occur at levels that do not adversely affect the Lesser Horseshoe Bay population at the site.

4.4 Screening of Adjacent SACs or for *ex-situ* effects

In addition to the Kenmare River SAC there are a number of other Natura 2000 sites proximate to the proposed activities (Figure 4). The characteristic features of these sites are identified in Table 2 where a preliminary screening is carried out on the likely interaction with aquaculture activities based primarily upon the likelihood of spatial overlap. As it was deemed that there are no *ex situ* effects and no effects on features in adjacent SACs all qualifying features of adjacent Natura 2000 sites were screened out.

Table 2 Natura Sites adjacent to Kenmare River SAC and qualifying features with initial screening assessment on likely interactions with aquaculture activities.

NATURA SITE	QUALIFYING FEATURES [HABITAT CODE]	AQUACULTURE INITIAL SCREENING
Old Domestic Building , Dromore Wood SAC (000353)	Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>) [1303]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis
Cleanderry Wood SAC (001043)	Killarney Fern <i>Trichomanes speciosum</i> [1421]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis
	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis
Cloonee and Inchiquin Loughs, Uragh Wood SAC (001342)	Kerry slug <i>Geomalacus maculosus</i> [1024]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis
	Lesser horseshoe bat <i>Rhinolophus hipposideros</i> [1303]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis
	Killarney fern <i>Trichomanes speciosum</i> [1421]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis
	Slender naiad <i>Najas flexilis</i> [1833]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis
	Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis

NATURA SITE	QUALIFYING FEATURES [HABITAT CODE]	AQUACULTURE INITIAL SCREENING
	Old sessile oak woods with Ilex and Blechnum in British Isles [91A0]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis
Mucksna Wood SAC (001371)	Old sessile oak woods with Ilex and Blechnum in British Isles [91A0]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis
Glanmore Bog SAC (001879)	Freshwater pearl mussel (<i>Margaritifera margaritifera</i>) [1029]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis
	Killarney fern (<i>Trichomanes speciosum</i>) [1421]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis
	Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis
	Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis
	Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis
	Blanket bog (*active only) [7130]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis
Drongawn Lough SAC (002187)	Coastal lagoons [1150]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis

NATURA SITE	QUALIFYING FEATURES [HABITAT CODE]	AQUACULTURE INITIAL SCREENING
Blackwater River (Kerry) SAC (002173)	Kerry slug (<i>Geomalacus maculosus</i>) [1024]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis
	Freshwater pearl mussel (<i>Margaritifera margaritifera</i>) [1029]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis
	Salmon (<i>Salmo salar</i>) [1106]	Migrating salmon passing through Kenmare River SAC and could interact with activities covered in this assessment- carry forward to Section 8.
	Lesser horseshoe bat (<i>Rhinolophus hipposideros</i>) [1303]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis
	Otter (<i>Lutra lutra</i>) [1355]	Otter may migrate into Kenmare River SAC and could interact with aquaculture and fisheries activities – carry forward to Section 8.
	European dry heaths [4030]	No spatial overlap with aquaculture and fisheries activities within Kenmare River SAC – excluded from further analysis
Iveragh Peninsula SPA (004154)	Fulmar (<i>Fulmarus glacialis</i>) [A009]	Breeding sites have no spatial overlap with aquaculture and fisheries activities within Kenmare River SAC; Risk of disturbance is minimal – excluded from further analysis ⁴
	Peregrine (<i>Falco peregrinus</i>) [A103]	Breeding sites have no spatial overlap with aquaculture and fisheries activities within Kenmare River SAC; Risk of disturbance is minimal – excluded from further analysis

⁴ <http://www.npws.ie/media/npwsie/content/images/protectedsites/sitesynopsis/SY004154.pdf>

NATURA SITE	QUALIFYING FEATURES [HABITAT CODE]	AQUACULTURE INITIAL SCREENING
	Kittiwake (<i>Rissa tridactyla</i>) [A188]	Breeding sites have no spatial overlap with aquaculture and fisheries activities within Kenmare River SAC; Risk of disturbance is minimal – excluded from further analysis
	Guillemot (<i>Uria aalge</i>) [A199]	Breeding sites have no spatial overlap with aquaculture and fisheries activities within Kenmare River SAC; Risk of disturbance is minimal – excluded from further analysis
	Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]	Breeding sites have no spatial overlap with aquaculture and fisheries activities within Kenmare River SAC; Risk of disturbance is minimal – excluded from further analysis
Beara Peninsula SPA (004155)	Fulmar (<i>Fulmarus glacialis</i>) [A009]	Breeding sites have no spatial overlap with aquaculture and fisheries activities within Kenmare River SAC; Risk of disturbance is minimal – excluded from further analysis ⁵
	Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]	Breeding sites have no spatial overlap with aquaculture and fisheries activities within Kenmare River SAC; Risk of disturbance is minimal – excluded from further analysis
Deenish Island and Scariff Island SPA (004175)	Fulmar (<i>Fulmarus glacialis</i>) [A009]	Breeding sites have no spatial overlap with aquaculture and fisheries activities within Kenmare River SAC; Risk of disturbance is minimal – excluded from further analysis ⁶
	Manx Shearwater (<i>Puffinus puffinus</i>) [A013]	Breeding sites have no spatial overlap with aquaculture and fisheries activities within Kenmare River SAC; Risk of disturbance is minimal – excluded from further analysis

⁵ <http://www.npws.ie/media/npwsie/content/images/protectedsites/sitesynopsis/SY004155.pdf>

⁶ <http://www.npws.ie/media/npwsie/content/images/protectedsites/sitesynopsis/SY004175.pdf>

NATURA SITE	QUALIFYING FEATURES [HABITAT CODE]	AQUACULTURE INITIAL SCREENING
	Storm Petrel (<i>Hydrobates pelagicus</i>) [A014]	Breeding sites have no spatial overlap with aquaculture and fisheries activities within Kenmare River SAC; Risk of disturbance is minimal – excluded from further analysis
	Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]	Breeding sites have no spatial overlap with aquaculture and fisheries activities within Kenmare River SAC; Risk of disturbance is minimal – excluded from further analysis
	Arctic Tern (<i>Sterna paradisaea</i>) [A194]	Breeding sites have no spatial overlap with aquaculture and fisheries activities within Kenmare River SAC; Risk of disturbance is minimal – excluded from further analysis

5. Details of the proposed plans and projects

5.1 Aquaculture

Aquaculture in the Kenmare River SAC focuses on shellfish species (mussels, oysters scallops and clams) and finfish (Salmon) (Figures 5 and 6). Mussels are the predominant shellfish species cultured within the SAC. Small quantities of oysters are produced; while Scallops and Clams, although licensed, are not currently produced in the area. There are also six locations dedicated to the culture of Atlantic Salmon. Descriptions of spatial extents of existing and proposed activities within the qualifying interests of the Kenmare River SAC were calculated using coordinates of activity areas in a GIS. The spatial extent of the various aquaculture activities (current and proposed) overlapping the habitat features is presented in Table 3 (data provided by DAFM).

5.1.1 Oyster Culture

Oyster farming within Kenmare River is a form of intensive culture which has been taking place since the early 1990s. A single species forms the basis of oyster aquaculture operation in the Kenmare River SAC, i.e. the Pacific oyster, *Crassostrea gigas*. The seed is cultivated using the bag and trestle method, either to half-grown or fully-grown size. The bag and trestle method uses steel table-like structures which rise from the shore to just above knee height on the middle to lower intertidal zone, arrayed in double rows with wide gaps between the paired rows to allow for access. The trestles hold HDPE bags approximately 1m by 0.5m by 10cm, using rubber and wire clips to close the bags and to fasten them to the trestles. When first put to sea, there may be up to 2000 oysters in a single bag, but as they grow and are graded this number is gradually reduced. Over the course of the two or three years that it takes an oyster to reach saleable size, the density is reduced until market ready oysters, of approximately 100g each (when grown to full size) are being grown in bags of approximately 100 oysters per bag. The bags need to be shaken, turned and re-secured occasionally to prevent build-up of fouling and to ensure the growing oysters maintains a good marketable shape. This usually takes place once on each tidal cycle, when maximum exposure of the shore allows safe access to all trestles. It is most important during the summer months when plankton, the oysters' food, is abundant and oyster growth rates are at their optimum. Oysters are grown on in these bags to half-grown or full grown size for up to three years, and will be graded two or three times over the course of each summer.

There are four sites in operation, three in Templenoe and one in Coongar Harbour. These operations are relatively small, currently producing less than 30 tonnes annually, they are classified as free from the herpes virus and at the moment the operators are buying in seed from Seasalter, both diploid and triploid, depending on availability. This availability means that there is currently no generalised production cycle. Sites are accessed at low tide using a tractor and trailer, by a public road near Templenoe and by boat in Coongar Harbour.

There are a number of applications for new licences for bag and trestle oyster culture, in Killmakilloge and Ardgroom Harbour, which would be accessed by boat from the local piers and one on the south shore of Kenmare River, near Killaha East which would be accessed by shore from the applicants own property. Some of these are for multi species licences, to include native oysters, mussels, but still using the bag and trestle method of cultivation.

5.1.2 Rope Mussels

There are a number of very productive locations for suspended long-line mussel farming in Kenmare River, namely Killmakilloge Harbour (600 – 1000 tonnes), Ardgroom Harbour, including Coosmore and Cleanderry Harbour (700 – 1100 tonnes) and Coongar Harbour, including Sneem Harbour (150 – 200 tonnes). All of the farms are locally owned, providing quite large scale local employment. The main piers in use are located close to these growing areas.

The culture method involves placing, an often re-usable, settlement media (rope, strap, mesh) in the water column, known as a ‘dropper’ on which natural juvenile mussels settle, depending on a number of seasonal and local factors this takes place in April, May or June, the naturally collected mussel seed is then on-grown for typically 18-24 months before being harvested as per market requirements and in line with shellfish and water quality parameters. Some of the larger farmers operate as contract service providers, carrying out the harvesting for the smaller farmers, using their purpose built work barges, although for the most part the farmers work their own farms using smaller converted fishing vessels. As these mussels grow the ‘droppers’ are often moved to grow-out areas, or remain in situ. Some farms grade the mussels during the 18-24 months, using the “New Zealand” continuous rope system, whereby the mussels are re-packed at a specific density using bio-degradable cotton mesh around the rope, the mesh rots away after the mussels have re-attached using their byssal threads. All of the long-lines in use are double head rope longlines, constructed from polypropylene mostly of 110m in length, with typically 30 x 210-250l floatation units (mostly grey in colour) and anchored at each end with 2.5 tonne concrete weights. In general the long-line density is no greater than 3 lines per hectare. In Ardgroom Harbour the mussel farmers, through the CLAMS process set a self-imposed stocking density of 2 longlines per hectare and a dropper limit of 406 per line.

There are a number of long-line licence applications in the traditional areas of Ardgroom, Killmakilloge and Coongar Harbours as well as an expansion into deeper, more exposed waters of Kenmare River and in Coulagh Bay. A number of these newer long-line licence applications are for multi-species licences, to include mussels, oysters and native seaweeds.

A single trial site is currently in operation to establish the technical feasibility of a novel rope cultivation system for a mussel longline system in the main body of Kenmare River (Figure 7). The experimental deployment includes 3 mussel lines of 40m (at surface) 180m (total length including full length of moorings) in the proposed site for a period of 18 months. Drop lines (per surface line) are seeded with mussels (7-10mm locally sourced) and suspended at a range of depths between 5m and 35m. Monthly measurements of growth are to be taken. Environmental monitoring will include high

frequency data on wave height, current speed and direction, temperature and salinity, and periodic manual observations will also be conducted (e.g. plankton tows, water samples for chlorophyll measurements). Following the trial period of 18 months all field trial equipment will be removed from the area.

5.1.3 Salmon Culture

Salmon (*Salmo salar*) is currently produced at 4 sites within the Kenmare River SAC. Five sites are licensed to produce salmon, one of which is also licensed to produce Rainbow trout (*Oncorhynchus mykiss*). There is also one licence application for salmon production.

Marine Harvest Ireland (MHI) operates two sites, Inisfarnard and Deenish. At both sites there is space for fourteen 128m circumference net pens, with 15m sides. The cubic capacity of each net pen is 19,600m³, leading to an overall volume of 274,400m³ and at maximum allowable stocking density, a potential standing stock of 2,744 tonnes. Each site also has a feed barge, moored on site, which can hold a maximum of 200 tonnes of feed. The feed barge can feed the stock automatically throughout the day, each net pen has cameras installed to monitor the fish, optimising feed conversion rate and minimising waste. The sites operate on a two year annual alternate site stocking cycle, inputting 800,000 smolts, to each site alternately and harvesting them in year two from months 16 to 22. The site is then left fallow for two months before next smolt input. These sites are accessed from piers in Castletownbere, Travarra and Ballycrovane.

Murphy's Irish Seafood Ltd operates the other two sites, St. Killians and Doon Point. St Killians, in Killmakilloge Harbour, a 160 tonne licenced site (leased from St. Killian's Salmon Ltd), has three 70m net pens and is currently operating as a smolt site holding the fish for one year before being transferred to a main grower site. The Doon Point site is currently fallow, but has a licenced capacity of similar to the MHI sites above. These sites are accessed from Cleandra and Killmakilloge in Kenmare River and Gearhies in Bantry Bay.

The smolts for these sites come from a number of sources. Smolt is the name given to juvenile salmon, when they would naturally travel from fresh water, where they are hatched and develop, approximately for one year, to salt water for feeding and further growth before returning to the same fresh water to breed. The smolts for the MHI operation are currently produced in the MHI freshwater facilities in Donegal, namely Altan and Pettigoe. Murphy's Irish Seafood Ltd, whilst producing most of their smolt requirements from their Borlin hatchery also buy in smolt from Derrylea Holdings Ltd. All of these smolts are trucked from the freshwater facilities to a well boat for delivery to the sea sites. Once at sea the smolts are reared in nets suspended from circular floating structures known as pens. These are moored in groups, in locations where there are strong water flows in order to provide the stock with optimum environmental conditions, as salmon are extremely sensitive to pollution and only grow if the waters in which they live are clean and well oxygenated. The smolts are initially fed by hand but as they grow, mechanical feed systems are used.

All sites are operating according to EU Organic Aquaculture standards⁷, which include low stocking densities and the use of organically certified food. The nets are made of knotless netting and no anti-fouling treatment is allowed, nets are either cleaned *in-situ* using pressurised water systems or alternatively when the need arises the nets are changed. Regular dive inspections are carried out on the nets and moorings.

5.1.4 Scallops

Within the Kenmare River SAC, there are eleven sites licensed for the production of scallops and also two applications (Ballycrovane and Killmakilloge Harbours). None of the licensed scallop sites are currently active. Scallops are dredged from the seafloor within these licensed areas. There is little or no intervention to improve stocks. The activities effectively equate to a wild fishery.

At the two application sites (Killmakilloge and Ballycrovane Harbours), juvenile scallops would be purchased either from a hatchery or from wild collection and broadcast on the seabed; these would then be left to grow, to be harvested by divers.

5.1.5 Clams

There is a single licence for clam cultivation in conjunction with oysters. Clams have never been farmed on site and currently the site is being used to farm oysters on bag and trestle. If clams were to be farmed, they would be seeded in the ground, under nets, the clams would then be raked by hand for grading and harvesting.

5.2 Description of Fishing Activities

5.2.1. Pot fisheries

Six vessels less than 8m in length fish for lobster and crab along the coast from Ballinskelligs into Kenmare River using 1500 pots and a further 8 vessels under 10m in length fish 2500 pots in inner Kenmare. A further 19 vessels fishing 9500 pots fish for shrimp (*Palaemon serratus*) in inner Kenmare. Potting for prawns (Nephrops) occurs at the edge of trawling ground in outer and mid Kenmare (Fig. 7).

5.2.2. Dredge fisheries

Scallops are fished with dredges on the south shore of inner Kenmare.

5.2.3. Set net fisheries

Tangle netting for crayfish occurs at the outer edges of the SAC and in coastal waters to the north and south of the site (Fig. 8).

⁷ <http://www.bim.ie/our-services/grow-your-business/farmedfishqualitylabelling/organicassurancelabellingschemes/>

5.2.4. Bottom trawl fisheries

Bottom trawl fisheries, targeting *Nephrops* and mixed demersal fish, occurs on fine sedimentary habitats in outer Kenmare River.

5.2.5. Pelagic fisheries

Pelagic trawling for sprat occurs in winter in inner Kenmare River (Fig. 9).

5.2.6. Hook and line fisheries

Inshore fishing vessels fish for Mackerel and Pollack in outer Kenmare River SAC in summer and autumn (Fig. 10)

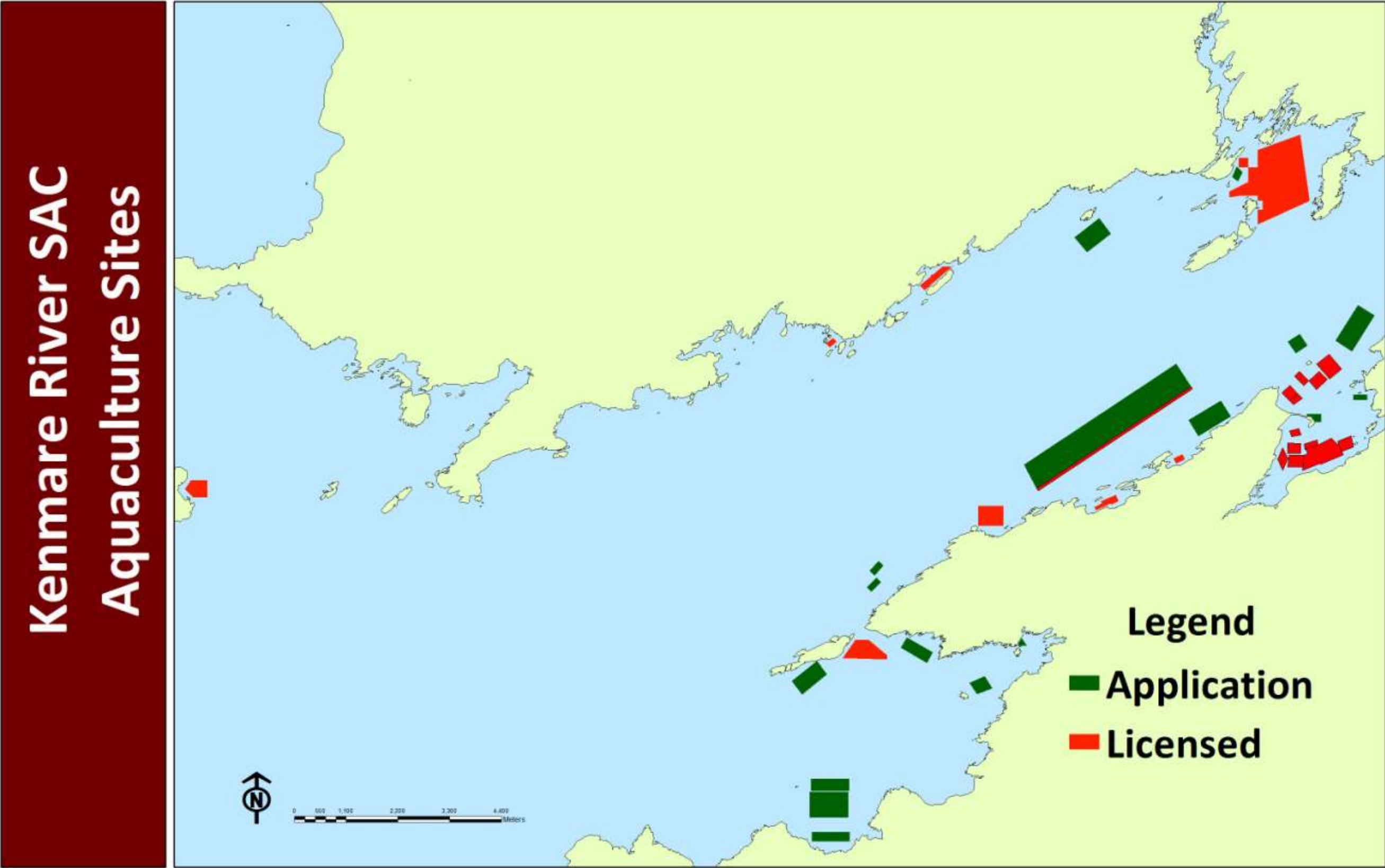


Figure 5 Aquaculture sites (Licenced and Applications) in western portion of Kenmare River SAC (Site Code 002158).

Kenmare River SAC Aquaculture Sites

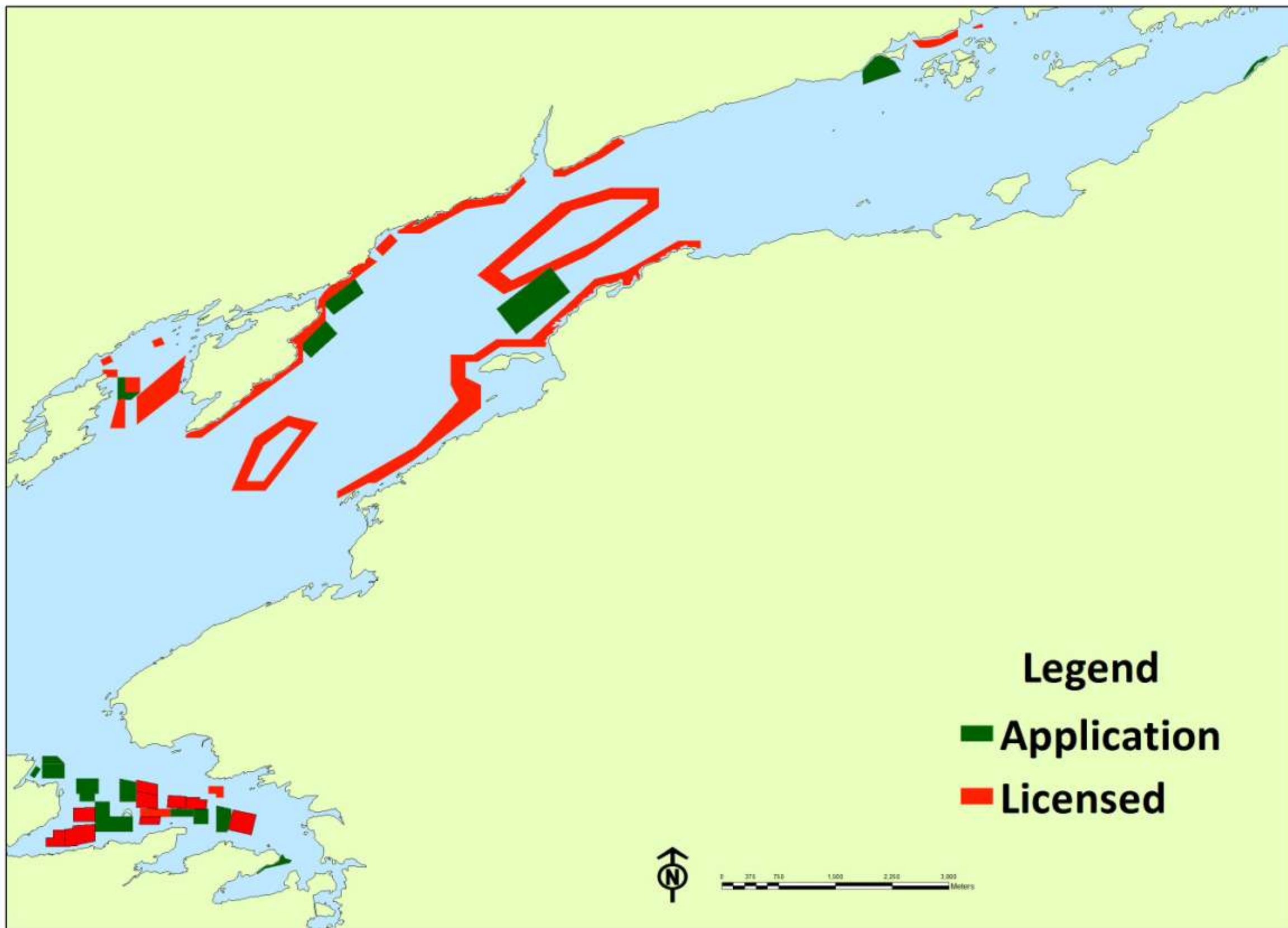


Figure 6 Aquaculture sites (Licenced and Applications) in eastern portion of Kenmare River SAC (Site Code 002158).

Table 3: Spatial extent (ha) of aquaculture activities overlapping with the qualifying interest (1160 Large shallow inlets and bays and 1170 Reefs) in Kenmare River SAC (Site Code 002158), presented according to culture species, method of cultivation and license status.

Species	Status	Location	1160 - Large shallow inlets and Bays 39,322ha		1170 – Reefs 9,196ha	
			Area (ha)	% Feature	Area (ha)	% Feature
Oysters	Licensed	Intertidal	7.53	0.02	1.54	0.02
Oysters	Application	Intertidal	27.56	0.07	44.50	0.48
Mussels	Licensed	Subtidal	46.97	0.12	41.39	0.45
Mussels	Application	Subtidal	483.48	1.23	134.43	1.46
Finfish	Licensed	Subtidal	62.67	0.16	12.13	0.13
Finfish	Application	Subtidal	31.89	0.08	14.50	0.16
Scallops	Licensed	Subtidal	473.10	1.20	209.10	2.27
Scallops	Application	Subtidal	1.87	4.76E-03	1.84	0.02
Totals			1135.07ha	2.88%	459.43 ha	4.99%

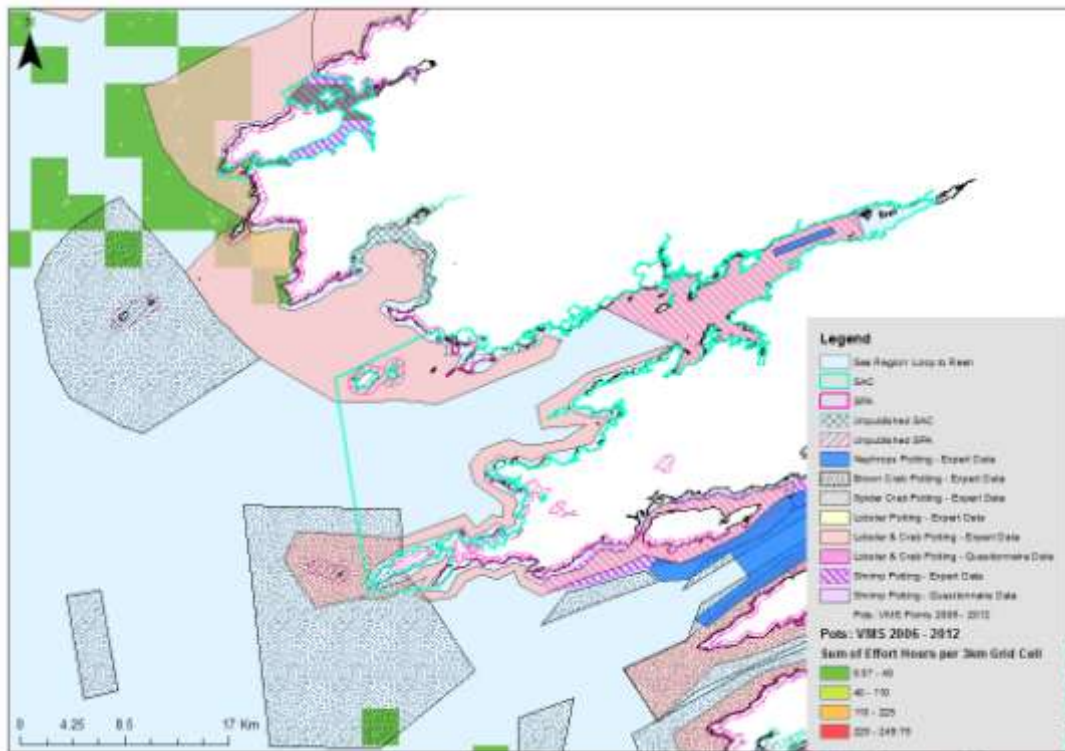


Figure 7. Pot fishing activity in the region of Kenmare River SAC



Figure 8. Set net fishing activity in the region of Kenmare River SAC

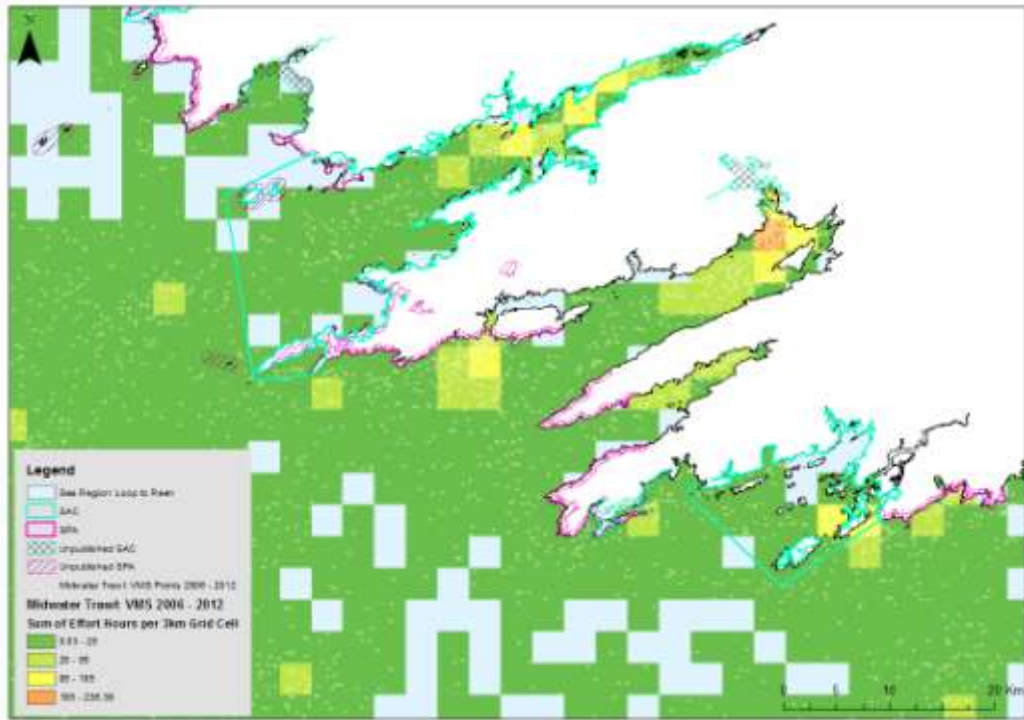


Figure 9. Pelagic fishing activity in the region of Kenmare River SAC

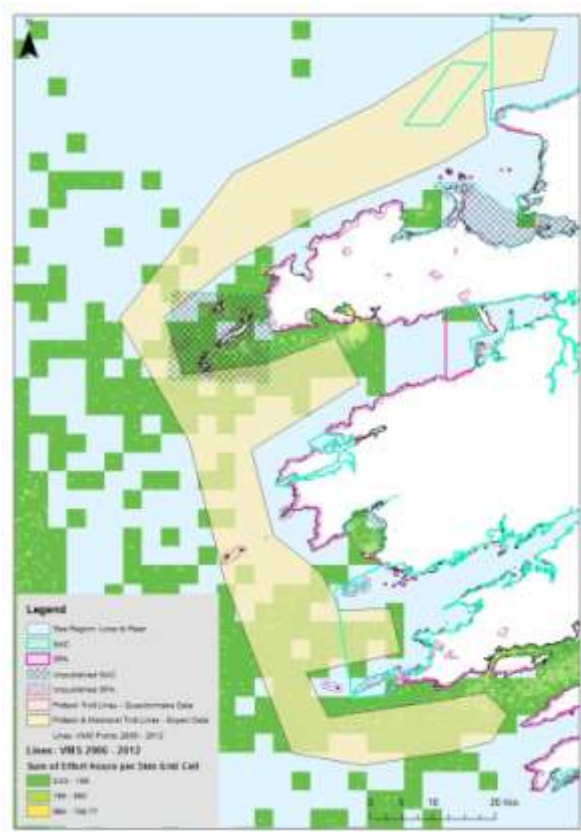


Figure 10. Hook and line fishing activity in the region of Kenmare River SAC

6. Natura Impact Statement for the Activities

The potential ecological effects of activities on the conservation objectives for the site relate to the physical and biological effects of fishing gears or aquaculture structures and human activities on designated species, intertidal and sub-tidal habitats and invertebrate communities and biotopes within those broad habitat types. The overall effect on the conservation status will depend on the spatial and temporal extent of fishing and aquaculture activities during the lifetime of the proposed plans and projects and the nature of each of these activities in conjunction with the sensitivity of the receiving environment.

6.1 Aquaculture

Within the qualifying interest of the Kenmare River SAC, the species cultured are:

- Mussels (*Mytilus edulis*) in suspended culture (Rope culture) in subtidal areas.
- Oysters (*Crassostrea gigas*), in suspended culture (bags & trestles) confined to intertidal areas.
- Scallops (*Pecten maxius*) subtidally on the seafloor.
- Clams (*Ruditapes philippinarum*) on the seafloor intertidally.
- Atlantic salmon (*Salmo salar*) in net pens.

Details of the potential biological and physical effects of these aquaculture activities on the habitat features, their sources and the mechanism by which the impact may occur are summarised in Table 4, below. The impact summaries identified in the table are derived from published primary literature and review documents that have specifically focused upon the environmental interactions of mariculture (e.g. Black 2001; McKindsey *et al.* 2007; NRC 2010; O'Beirn *et al* 2012; Cranford *et al* 2012; ABPMer 2013a-h).

Filter feeding organisms, for the most part, feed at the lowest trophic level, usually relying primarily on ingestion of phytoplankton. The process is extractive in that it does not rely on the input of feedstuffs in order to produce growth. Suspension feeding bivalves such as oysters and mussels can modify their filtration to account for increasing loads of suspended matter in the water and can increase the production of faeces and pseudofaeces (non-ingested material) which result in the transfer of both organic and inorganic particles to the seafloor. This process is a component of benthic-pelagic coupling (Table 3). The degree of deposition and accumulation of biologically derived material on the seafloor is a function of a number of factors discussed below.

One aspect to consider in relation to the culture of shellfish is the potential risk of alien species arriving into an area among consignments of seed or stock sourced from outside of the area under consideration. When the seed is sourced locally (e.g. mussel culture) the risk is likely zero. When seed is sourced at a small size from hatcheries in Ireland the risk is also small. When seed is sourced from hatcheries outside of Ireland (this represents the majority of cases particularly for oyster culture operations) the risk is also considered small, especially if the nursery phase has been short. When ½-grown stock (oysters and mussels) is introduced from another area (e.g. France, UK) the risk of

introducing alien species (hitchhikers) is considered greater given that the stock will have been grown in the wild (open water) for a prolonged period (i.e. ½-grown stock). Furthermore, the culture of a non-native species (e.g. the Pacific Oyster - *Crassostrea gigas*) may also presents a risk of establishment of this species in the SAC. Recruitment of *C. gigas* has been documented in a number of bays in Ireland and appears to have become naturalised (i.e. establishment of a breeding population) in two locations (Kochmann *et al* 2012; 2013) and may compete with the native species for space and food.

Suspended Shellfish Culture: Suspended culture, may result in faecal and pseudo-faecal material falling to the seabed. In addition, the loss of culture species to the seabed is also a possibility. The degree to which the material disperses away from the location of the culture system (longlines or trestles) depends on the density of mussels on the line, the depth of water and the current regime in the vicinity. Cumulative impacts on seabed, especially in areas where assimilation or dispersion of pseudofaeces is low, may occur over time. A number of features of the site and culture practices will govern the speed at which pseudofaeces are assimilated or dispersed by the site. These relate to:

- Hydrography – will govern how quickly the wastes disperse from the culture location and the density at which they will accumulate on the seafloor.
- Turbidity in the water - the higher the turbidity the greater the production of pseudo-faeces and faeces by the filter feeding animal and the greater the risk of accumulation on the seafloor.
- Density of culture – suspended mussel culture is considered a dense culture method with high densities of culture organisms over a small area. The greater the density of organisms the greater the risk of accumulations of material. The density of culture organisms is a function of:
 - o depth of the site (shallow sites have shorter droppers and hence fewer culture organisms),
 - o the husbandry practices proper maintenance will result in optimum densities on the lines in order to give high growth rates as well as reducing the risk of drop-off of culture animals to the seafloor and sufficient distance among the longlines to reduce the risk of cumulative impacts in depositional areas.

In addition placement of structures associated with mussel culture can influence the degree of light penetration to the seabed. This is likely important for organisms and habitats e.g. Maërl and seagrasses which need sun light for production. Rafts or lines will to a degree limit light penetration to the sea bed and may therefore reduce production of photosynthesising species. However, such effects have not been demonstrated for seagrass.

Intertidal shellfish culture: Oysters are typically cultured in the intertidal zone using a combination of plastic mesh bags and trestles. Their specific location in the intertidal is dependent upon the level of exposure of the site, the stage of culture and the accessibility of the site. Any habitat impact from oyster trestle culture is typically localised to areas directly beneath the culture systems. The physical presence of the trestles and bags may reduce water flow and allowing suspended material (silt, clay as well as faeces and pseudo-faeces) to fall out of suspension to the seafloor. The build-up of

material will typically occur directly beneath the trestle structures and can result in accumulation of fine, organically rich sediments. These sediments may result in the development of infaunal communities distinct from the surrounding areas. Similar to suspended culture above, whether material accumulates beneath oyster trestles is dictated by a number of factors, including:

- Hydrography – low current speeds (or small tidal range) may result in material being deposited directly beneath the trestles. If tidal height is high and large volumes of water moved through the culture area an acceleration of water flow can occur beneath the trestles and bags, resulting in a scouring effect or erosion and no accumulation of material.
- Turbidity of water – as with suspended mussel culture, oysters have very plastic response to increasing suspended matter in the water column with a consequent increase in faecal or pseudo-faecal production. Oysters can be cultured in estuarine areas (given their polyhaline tolerance) and as a consequence can be exposed to elevated levels of suspended matter. If currents in the vicinity are generally low, elevated suspended matter can result in increase build-up of material beneath culture structures.
- Density of culture – the density of oysters in a bag and consequently the density of bags on a trestle will increase the likelihood of accumulation on the seafloor. In addition, if the trestles are located in close proximity a greater dampening effect can be realised with resultant accumulations. Close proximity may also result in impact on shellfish performance due to competitive interactions for food.
- Exposure of sites - the degree to which the aquaculture sites are exposed to prevailing weather conditions will also dictate the level of accumulated organic material in the area. As fronts move through culture areas increased wave action will resuspend and disperse material away from the trestles.

Shading may be an issue as a consequence of the structures associated with intertidal oyster culture. The racks and bags are held relatively close to the seabed and as a consequence may shade sensitive species (e.g. seagrasses) found underneath.

Physical disturbance caused by compaction of sediment from foot traffic and vehicular traffic. Activities associated with the culture of intertidal shellfish include the travel to and from the culture sites and within the culture sites using tractors and trailers as well as the activities of workers within the site boundaries.

Intertidal culture of clam species is typically carried out in the sediment covered with netting to protect the stock from predators. The high density of the culture organisms can lead to exclusion of native biota and the ground preparation and harvest methods (by mechanical means or by hand) can lead to considerable disturbance of biota characterising the habitat.

Sub-tidal shellfish culture i.e. Scallops: This activity involves relaying shellfish on the seabed. There may be increased enrichment due to production of faeces and pseudofaeces in high density cultures. The existing in-faunal community may be changed as a result. Seabed habitat change may also result as a result of dredging during maintenance and harvesting. Uncontained sub-tidal shellfish

culture will lead to change in community structure and function through the addition, at high % cover, of an epi-benthic species (living on the seabed) to an infaunal sedimentary community.

The activities associated with this culture practice (dredging of the seabed) are considered disturbing which can lead to removal and/or destruction of infaunal species and changes to sediment composition.

Other considerations: Due to the nature of the (high density) of shellfish culture methods the risk of transmission of disease within cultured stock is high. However, given that *Crassostrea gigas* does not appear to occur in the wild the risk of disease transmission to 'wild' stock is considered low. The risk of disease transmission from cultured oysters to other species is unknown.

Oyster culture poses a risk in terms of the introduction of non-native species as the Pacific oyster (*Crassostrea gigas*) is a non-native species. Recruitment of *C. gigas* has been documented in a number of Bays in Ireland and appears to have become naturalised (i.e. establishment of a breeding population) in two locations (Kochmann et al 2012; 2013) and may compete with the native species for space and food. The culture of large volumes of Pacific oysters may increase the risk of successful reproduction in Kenmare River SAC. The use of triploid (non-reproducing) stock is the main method employed to manage this risk. Furthermore, the introduction of non-native species as 'hitchhikers' on and among culture stock is also considered a risk, the extent of which is dependent upon the duration the stock has spent 'in the wild' outside of Kenmare River. Half-grown stock (15-30g oysters) which would have been grown for extended periods in places (in particular outside of Ireland) present a higher risk. Oysters grown in other bays in Ireland and 'finished' in Kenmare Bay, would not appear to present a risk of introduction of non-native species assuming best practice is applied (e.g. <http://invasivespeciesireland.com/cops/aquaculture/>). The manila clam, *Ruditapes philippinarum*, has not been cultured in the bay as yet. No record of this species has been recorded in the wild in Ireland since its introduction in 1984.

Finfish Culture: Within the Kenmare River SAC there are six (5 licensed, 1 application) marine sites assigned for the culture of salmon (and other finfish). Four of these sites are currently active in the production of salmon (*Salmo salar*).

Finfish culture differs from shellfish culture in that there is an input of feed into the system and as a consequence a net input of organic matter to the system. This material will be found in the system in the form of waste feed (on the seafloor), solid waste (faeces), waste as a consequence of net-cleaning all of which usually accumulates on the seafloor and dissolved material (predominantly fractions rich in nitrogen). For the most part, the majority of organic material builds up on the seabed generally in and around the footprint of the salmon cages with a 'halo' effect evident in areas where dispersion occurs driven by local hydrographic conditions. This is typically referred to as *near-field* effects. Similar to shellfish, the quantity of material that might accumulate on the seabed will be a function of the quantity of fish held in cages, the stage of culture, the health of the fish (unhealthy fish will generally eat less), husbandry practices (are the fish fed too much too quickly?), the physical characteristic of the solid particles and, as mentioned above, hydrographic conditions.

Wildish et al. (2004) and Silvert and Cromey (2001) both summarize the factors (listed above) that govern the level of dispersion of material from the cages to the seafloor. Many of the factors are subsequently incorporated into modelling efforts which are used to predict likely levels of impact. The impact of organic matter on sedimentary seafloor habitat typically evolves after the gradient defined by Pearson-Rosenberg (1978), whereby as the level of organic enrichment increases the communities (macrofaunal species number and abundance) found within the sedimentary habitats will also change. Typically, low levels of enrichment facilitates an increase in species abundance and biomass followed by a decrease in all biological metrics as enrichment increases to a point where azoic conditions prevail and no biota are found. The impact on biota is a consequence of the decrease in oxygen and a build-up of by-products such as ammonia and sulphides brought about by the breakdown of the organic particles which are considered toxic to marine biota. The shift from an oxygenating to reducing environment in the sediment could be such that the effect is mirrored in the water column as well (i.e. reduction in oxygen levels). The output of dissolved material resulting from finfish cages is typically in the form of ammonia, phosphorous and dissolved organic carbon (DOC) originating directly from the culture organisms, or from the feed and/or faecal pellets. Similar to particulate waste, the impact of dissolved material is a function of the extent (intensity) of the activity and properties of the receiving environment (e.g., temperature, flushing time). While elevated levels of nutrient have been reported near fish farms, no significant effect on chlorophyll has been demonstrated (Pearson and Black, 2001).

Diseases: It is likely that the first outbreaks of infectious diseases in marine aquaculture operations were caused by pathogens originating in wild hosts and as culture extent and intensity increases the transmission of pathogens (back) to the wild fish stocks is a likely consequence. The result of such pathogen transmission back to wild fish is however unknown, as reports of clinical effects or significant mortality in wild fish populations are largely unavailable. Numerous reviews, models, risk assessments and risk analysis have been carried out or developed in order to determine the potential for disease interaction and pathogen exchange between farmed and wild finfish (OIE 2004, Bricknell *et al.* 2006, DIPNET 2006, Peeler *et al.* 2007). On foot of these outputs there is general acceptance among scientists and managers that pathogens can be transmitted between organisms used in mariculture and those found in the wild and vice-versa (ICES 2013).

The risk of infection in marine organisms, are influenced by a number of environmental factors including temperature, salinity and dissolved oxygen (Grant and Jones 2011), as well as factors particular to the biology of pathogen, e.g., replication rates, virulence. Transmission of pathogens is facilitated by one or a combination of three mechanisms, i.e., horizontal, vertical and vector-borne. Horizontal transmission refers to the direct movement through the water column of a pathogen between susceptible individuals and the open design of most mariculture cages allows the potential for bidirectional transmission of pathogens between wild and captive fish (Johansen *et al.* 2011). Vertical transmission involves the passing of a pathogen with milt or eggs, resulting in infection among offspring. Pathogens can also be spread by a third host or vector. Vectors can include other parasites, fish, piscivorous animals or inanimate objects such as clothing, vessels or equipment.

Disease transmission within culture systems is a primary concern of operators and as a consequence of monitoring and screening, a far greater knowledge base relating to disease causing organisms and their transmission is available relating to cultured stocks rather than wild stocks. As a result of the lack of empirical data relating to diseases specific to wild stocks, it has been difficult to partition population effects in wild-stocks caused by diseases from those caused by other processes (ICES 2010).

Ireland enjoys a high health status (Category 1) in relation to the fish/shellfish on farms, in rivers and lakes and remains free of many diseases that occur in other countries (www.fishhealth.ie). In Ireland, there are programmes in place that govern the movement of (fish and shellfish) stock for on-growing among sites. These movement controls are supported by a risk-based fish health surveillance programme which is operated on a nationwide basis by the Marine Institute, in co-operation with private veterinary practitioners. Ireland is currently free of the following salmonid diseases covered by (Council Directive 2006/88/EC):

- Infectious Salmon Anaemia (ISA)
- Viral Haemorrhagic Septicaemia (VHS)
- Infectious Haematopoietic Necrosis (IHN)
- Gyrodactylosis

Apart from the diseases listed under EU legislation, routine tests are carried out for other diseases found in marine salmonids in Ireland e.g. Pancreas Disease (PD), Infectious Pancreatic Necrosis (IPN), Furunculosis etc. Such diseases are present in Ireland and whilst their control is not covered by legislation, all finfish farmers in the country have agreed to comply with the parameters of a Code of Practice and Fish Health Handbook, jointly agreed between the Marine Institute and the Irish Farmers Association (IFA). These documents cover all aspects of disease prevention and control on Irish fish farms with the twin objectives of minimising disease outbreaks and of dealing with them in a timely and responsible fashion, should they arise. The net outcome should be a decrease in mortality rates on fish farms and a corresponding decrease in potential pathogen transfer to wild stocks. Ensuring the ongoing good health of farmed stocks and the regular monitoring of environmental conditions will also help to minimise the disease impacts which may be caused by infection from wild stocks in the vicinity of the cages.

Disease Management: Council Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals form the legislative basis that governs the monitoring and management of disease outbreaks in mariculture operations in Ireland. For diseases not listed in this Directive, a Code of Practice and Fish Health Handbook has been developed jointly by the State and industry with the primary objectives of disease prevention and control.

The adoption of chemotherapeutants and some vaccination programmes have assisted in reducing the abundance and spread of many pathogens. In addition, the principles outlined in the Fish Health Handbook mentioned above such as improved biosecurity practices on farms, allowing sites to break transmission cycles, disease testing of fish prior to transfer, single year class stocking, coordinating

treatments and harvesting within embayments etc have mitigated the transmission of pathogenic organisms.

In summary, it is clear that a number of broad factors govern the transfer of diseases between susceptible organisms. While statistical correlations have been demonstrated in terms of abundance of cultured fish and disease occurrence in wild fishes, extreme caution must apply in terms of applying causality. It is important to note that the only way to determine the link between disease outbreaks in aquaculture installations and detection in wild fish is to empirically measure or observe pathogen transfer. Furthermore, when a risk presents, it not clear if the impact on the wild fish is expressed at the individual and/or population level. While certain effects have been demonstrated at the level of individuals, research has not yet clearly identified or quantified these links at the population level. Disease management programmes operated on a statutory basis by the State and on a voluntary basis by industry *via* Codes of Practice, assist in ensuring that pathogen transfer both to and from farmed fish is kept to a minimum.

Parasites: Sea lice are a group of parasitic copepods found on fish worldwide. There are two species of sea lice commonly found on cultured salmonids in marine conditions around the coast of Ireland, *Caligus elongatus* Nordmann, which infests over eighty different species of marine fish, and *Lepeophtheirus salmonis* Krøyer (the salmon louse), which infests only salmon, trout and closely related salmonid species. *L. salmonis*, the salmon louse, is the more serious parasite on salmon, both in terms of its prevalence and effects. It has been reported as a common ecto-parasite of both wild and farmed salmon at sea.

Returning wild salmon have been found to carry an average of 10 or more adult egg bearing females on their return to the Irish coastline (Copley *et al.*, 2005; Jackson *et al.*, 2013a) from their feeding grounds in the Atlantic. Having evolved their relationship with salmon and trout over many millennia, the parasite is well adapted to target its host species and it is ubiquitous to all the coastal waters around Ireland and indeed throughout the range of the Atlantic salmon (Jackson *et al.*, 2013b).

Salmon, whether wild or cultured, go to sea from fresh water free of sea lice and only pick up the infestation after they enter the marine phase of their lives. Sea lice infestations can inflict damage to their hosts through their feeding activity on the outside of the host's body by affecting the integrity of the fish's epithelium, which impairs its osmoregulatory ability and leaves the fish open to secondary infections. In extreme cases this can lead to a reduced growth rate and an increased morbidity in affected individuals.

Marine finfish farms are perceived by certain sectors to be problematic because of the proximity of some operations to river mouths and a concern over the possible impact on wild migratory salmonid fisheries through infestation with sea lice. The studies on the impacts of lice infestation on smolts (Jackson *et al.* 2011, 2013a) suggest that sea lice induced mortality on outwardly migrating smolts is likely a minor and irregular component of marine mortality in the stocks studied. This conclusion is further supported by the finding of no correlation between the presence of aquaculture and the performance of adjacent wild salmon stocks.

Parasite Management: Based on the evidence from targeted studies, the information collected as part of the National Sea Lice Monitoring and Control Programme, scientific reports published by the Marine Institute, and in-line with external advice, it is concluded that there is a robust and effective management programme in place in Ireland to control sea lice infestation on farmed fish. Furthermore, there is no empirical evidence to support the suggestion that the fisheries are being adversely affected by unusual levels of sea lice infestation, whether of farmed origin or from other sources.

Table 4: Potential indicative environmental pressures of aquaculture activities within the qualifying interests (Large shallow inlets and bays (1160), Reefs (1170) and Submerged or partially submerged seacaves (8330)) of the Kenmare River SAC.

Activity	Pressure category	Pressure	Potential effects	Equipment	Duration (days)	Time of year	Factors constraining the activity
<u>Aquaculture</u>							
Rope Mussel and other suspended culture methods	Physical	Current alteration	Baffling effect resulting in a slowing of currents and increasing deposition onto seabed changing sedimentary composition	Floats, longlines, continuous ropes (New Zealand system) and droppers	365	All year	Location (sheltered location for year round activity)
	Biological	Organic enrichment	Faecal and pseudofaecal deposition on seabed potentially altering community composition. Drop-off of culture species.				
		Shading	Prevention of light penetration to seabed potentially impacting light sensitive species				
			Fouling	Increased secondary production on structures and culture species. Increased nekton production			
			Seston filtration	Alteration of phytoplankton and zooplankton communities and potential impact on carrying capacity			
			Nutrient exchange	Changes in ammonium and Dissolved inorganic nitrogen			

Activity	Pressure category	Pressure	Potential effects	Equipment	Duration (days)	Time of year	Factors constraining the activity
			resulting in increased primary production. Nitrogen (N ₂) removal at harvest.				
		Alien species	Introduction of non-native species with culture organism transported into the site				
Intertidal Oyster Culture	Physical	Current alteration	Structures may alter the current regime and resulting increased deposition of fines or scouring.	Trestles and bags and service equipment	365	All year	At low tide only
		Surface disturbance	Ancillary activities at sites, e.g. servicing, transport increase the risk of sediment compaction resulting in sediment changes and associated community changes.				
		Shading	Prevention of light penetration to seabed potentially impacting light sensitive species				
	Biological	Non-native species introduction	Potential for non-native species (<i>C. gigas</i>) to reproduce and proliferate in SAC. Potential for alien species to be included with culture stock (hitch-hikers).				
		Disease risk	In event of epizootic the ability to manage disease in uncontained subtidal oyster				

Activity	Pressure category	Pressure	Potential effects	Equipment	Duration (days)	Time of year	Factors constraining the activity
			populations is compromised.				
		Organic enrichment	Faecal and pseudofaecal deposition on seabed potentially altering community composition				
Subtidal Shellfish culture	Physical	Surface disturbance	Abrasion at the sediment surface and redistribution of sediment	Dredge	Once quarterly	Seasonal	Weather for site access. Size of shellfish and market constraints
		Shallow disturbance	Sub-surface disturbance to 25mm				
	Biological	Monoculture	Habitat dominated by single species and transformation of infaunal dominated community to epifaunal dominated community.				
		By-catch mortality	Mortality of organisms captured or disturbed during the harvest or process, damage to structural fauna of reefs				
		Non-native species introduction	Potential for alien species to be included with culture stock (hitch-hikers)				
		Disease risk	In event of epizootic the ability to manage disease in uncontained subtidal shellfish populations would likely be compromised. The risk				

Activity	Pressure category	Pressure	Potential effects	Equipment	Duration (days)	Time of year	Factors constraining the activity
			introduction of disease causing organisms by introducing seed originating from the 'wild' in other jurisdictions				
		Nutrient exchange	Increased primary production. N ₂ removal at harvest or denitrification at sediment surface.				
Salmon	Biological	Nutrient exchange	Increased primary production. N ₂ removal at harvest or denitrification at sediment surface.		365		Fallow periods when no fish in the cages in the water.
		Organic enrichment	Faecal and waste food on seabed potentially altering community composition		365		
		Disease risk	Transmission of diseases and parasites between culture organisms and wild stocks and vice-versa.		365		
		Shading	Prevention of light penetration to seabed potentially impacting light sensitive species	Cages	365		Fallow periods when no fish in the cages in the water. Netting generally removed.

Aquaculture and Harbour Seal Interactions: In relation to Harbour seals (*Phoca vitulina*), less information is available on the potential interactions between the species and the activities in question (see NRC 2009). There has been no targeted research conducted in similar ecosystems that has directly assessed the impact of this type of aquaculture on harbor seals or indeed any other seal populations. There has, however, been considerable research on short-term responses of harbor seals to disturbance from other sources, and these can be used to inform assessments the potential impacts of disturbance from aquaculture activities currently underway and proposed in Kenmare River SAC. These disturbance studies have focused on impacts upon groups of seals that are already ashore at haul-out sites. Sources of potential disturbance have varied widely, and include people and dogs (Allen *et al.*, 1984; Brasseur & Fedak, 2003), recreational boaters (Johnson & Acevedo-Gutierrez, 2007; Lelli & Harris, 2001; Lewis & Mathews, 2000), commercial shipping (Jansen *et al.*, 2006), industrial activity (Seuront & Prinzivalli, 2005) and aircraft (Perry *et al.*, 2002). A harbor seal's response to disturbance may vary from an increase in alertness, movement towards the water, to actual entering into the water, i.e. flushing (Allen *et al.*, 1984) and is typically governed by the location and nature of the disturbance activity. For example, kayaks may elicit a stronger response than power boats (Lewis & Mathews, 2000; Suryan & Harvey, 1999), and stationary boats have been shown to elicit a stronger response than boats moving along a predictable route (Johnson & Acevedo-Gutierrez, 2007). Furthermore, the mean distance at which seals are flushed into the water by small boats and people ranges between 80m and 530m, with some disturbances recorded at distances of over 1000m. In certain areas, these empirical studies have been used to inform management actions in marine protected areas, for example where a 1.5km buffer is set around harbor seal haul-out sites in the Dutch Wadden Sea to exclude recreational disturbance (Brasseur & Fedak, 2003).

Displacement from areas may also result from disturbances attributable to the activities of mariculture workers (Becker *et al.*, 2009; 2011). This disturbance may be caused directly by the presence of workers on intertidal areas. However while disturbance from shellfish culture operations have been observed to influence the distribution of seal within a sheltered embayment, no inference was made on the effect on broader population characteristics of harbour seals from this study (Becker 2011).

Potential interactions between shellfish culture and marine mammals are broadly summarized in Table 5. It should be noted that direct demonstrations of these impacts are rare, and in most cases, potential effects are therefore predicted from the best existing information (NRC, 2010). Furthermore, none of the studies published to explore impacts on marine mammals and in particular Harbour Seals, were specifically designed to detect ecological impacts on this species (NRC 2009; Becker *et al.*, 2009, 2011). Even where studies have been carried out around shellfish farms, uncertainty over spatial and temporal variation in both the location of structures (Watson-Capps and Mann, 2005) and levels of disturbance (Becker *et al.*, 2009; 2011) constrain the conclusions that can be drawn about the impacts of mariculture on critical life functions such as reproduction and foraging.

Mariculture operations are considered a source of marine litter (Johnson, 2008). Ingestion of marine litter has also been shown to cause mortality in birds, marine mammals, and marine turtles (Derraik, 2002).

Mariculture structures can provide shelter, roost, or haul-out sites for birds and seals (Roycroft *et al.*, 2004). This is unlikely to have negative effects on bird or seal populations, but it may increase the likelihood that these species cause faecal contamination of mollusc beds.

Seal interactions with marine finfish cages have been described (Aquaculture Stewardship Council, 2012). The seals (as predators) are attracted to the structures and their contents and have been known to tear netting in attempts to acquire prey items (i.e. cultured finfish). While a risk of entanglement in netting may present, it is not considered likely and the greatest risk is the escape of stocked fishes. In order to mitigate this risk, operators have resorted to the use of deterrent devices (Acoustic or Harassment) which have variable results based upon the location, extent of use and mammals targeted. However, deterrent devices are now considered detrimental to seals and alternative management actions are advised (Nelson 2004; Aquaculture Stewardship Council 2012). Therefore, careful stock management (density control and regular removal of mortalities from cages), use of seal blinds and appropriate net tensioning are all considered suitable methods to minimise negative interactions between seals and finfish culture. Lethal actions to remove seals are only allowed under licence, the criteria which are determined by NPWS (Section 42 of the Wildlife Act, 1976 (as amended)).

The Kenmare River is deemed important both on a regional and on a national scale regarding its Harbour Seal population. The overall Harbour Seal numbers (population) has been stable or increasing between 2003 and 2012 (NPWS data) coincident with static levels of mariculture production. While no definitive conclusions can be drawn regarding the population status of harbour seals in the Kenmare River and more widely around Ireland, based upon survey reports from 2009-2011 (as no baseline reference values are provided), it would appear that the levels both regionally and nationally are stable or possibly increasing (see Figure 2 in NPWS 2012).

6.2 Fisheries

Fisheries using bottom contacting mobile gears cause physical abrasion and disturbance pressure to marine habitats in Kenmare River. These include bottom trawling on sedimentary habitats and dredging in mixed sediments and at the edge of reef for scallop. Pot fisheries and static net fisheries may cause localized abrasion and disturbance to habitats which may be significant for habitats that are highly sensitive to such pressures. All fisheries extract fish biomass which may reduce habitat quality for designated species such as otter and harbour seals. Harbour seals and otters may be caught as by-catch in certain gears such as pelagic trawls and trammel nets set for bait in shallow water.

6.3 In-combination activities

Other activities leading to potential impacts on conservation features relate to harvest of seaweed on intertidal reef communities. There is little known concerning the level of harvest from these intertidal reef communities. The impact is likely two-fold, direct impact upon the reefs by removal of a constituent species and impact upon intertidal sediments as a consequence of travel across the shore to the harvest sites.

Seal watching cruises are conducted in Kenmare. Given the nature of this activity it is unlikely that they will result in extensive disturbance to seal species.

There are a number of activities which are terrestrial in origin that might result in impacts on the conservation features of the Kenmare River SAC. Primary among these are point source discharges from municipal and industrial units (Shellfish Pollution Reduction Programme, DECLG). There are five urban waste water treatment plants in the general vicinity of the SAC. These are found in Ardroom, Kenmare, Sneem, Kilgarvan, Eyeries. The pressure derived from these facilities is a discharge that may impact upon levels of dissolved nutrients, suspended solids and some elemental components e.g. aluminium in the case of water treatment facilities.

Table 5: Potential interactions between aquaculture activities and the Annex II species Harbour Seal (*Phoca vitulina*) within the Kenmare River SAC.

Culture Method	Pressure category	Pressure	Potential effects	Equipment	Duration (days)	Time of year	Factors constraining the activity
All Aquaculture Methods	Physical	Habitat Exclusion	Structures may result in a barrier to movement of seals.	Net pens, Bags and trestles	365	All year	Spatial extent and location of structures used for culture.
		Disturbance	Ancillary activities at sites increase the risk of disturbance to seals at haul out sites (resting, breeding and/or moulting) or in the water.	Site services, human, boat and vehicular traffic	365	All year	Seasonal levels of activity relating to seeding, grading, and harvesting. Peak activities do not coincide with more sensitive periods for seals (i.e. pupping and moulting)
		Entanglement	Entanglement of seals from ropes or material used on structures or during operation of farms	Trestles, bags, ropes and/or nets used in day to day	365	All year	Farm management practices
		Ingestion	Ingestion of waste material used on farm	Ties used to secure bags and secure bags to trestle	365	All year	Farm management practices
		Deterrent Methods	Seals interfering with cages will result in deterrent actions, e.g. use of Acoustic deterrent or harassment Devices. If all non lethal avenues fail then lethal methods may be employed (under licence).	ADDs and lethal devices (shooting)	365		Fallow periods no fish on-site

Table 6: Potential pressures caused by fisheries in the Kenmare River SAC.

METIER/ ACTIVITY	PRESSURE CATEGORY	PRESSURE	POTENTIAL EFFECTS	FISHING GEARS OR AQUACULTURE EQUIPMENT	DURATION (DAYS)	TIME OF YEAR	FACTORS CONSTRAINING THE ACTIVITY
Potting,for shrimps	Physical	Surface disturbance	Abrasion at the sediment surface	Shrimp pots	240	August to March	catch rate, weather, market
	Biological	Extraction	Removal of shrimp				
		By-catch	Mortality of species in by- catch				
Lobster and crab potting	Physical	Surface disturbance	Abrasion at the sediment surface	Soft eye side entrance creels and top entrance pots	Approx 240	Mainly March to October	catch rate, weather, market
	Biological	Extraction	Removal of lobster and crab				
		By-catch	Mortality of species in by- catch				
Tangle netting	Physical	Surface disturbance	Abrasion at the sediment surface	Tangle nets	Unknown	Mainly May to Sept	catch rate, weather,
	Biological	Extraction	Removal of crayfish and other commercial fish species				
		By-catch	Potential by-catch of designated species grey seal, porpoise and otter.				

METIER/ ACTIVITY	PRESSURE CATEGORY	PRESSURE	POTENTIAL EFFECTS	FISHING GEARS OR AQUACULTURE EQUIPMENT	DURATION (DAYS)	TIME OF YEAR	FACTORS CONSTRAINING THE ACTIVITY
Dredging for scallops	Physical	Surface disturbance	Abrasion at the sediment surface	Fixed toothed dredges (DRB), ICES code 04.1.1	unknown	Mainly winter and spring	catch rate, weather, market, spatial closures
		Shallow disturbance	Sub-surface disturbance to 25mm				
	Biological	Extraction	Removal of scallops				
		By-catch mortality	Mortality of organisms captured or disturbed during the fishing process, damage to structural fauna of reefs				
Midwater (pelagic) trawling	Biological	Extraction	Removal of pelagic fish (Herring and sprat)	Pelagic trawls, OTM, ICES 03.2.1.	Unknown	Sept to March	Fish biomass
		By-catch	Potential by-catch of designated species harbour seal and otter.				
Hook and line pelagic	Biological	Extraction	Removal of pelagic and demersal fish	Hooks and lines, LHP, ICES 09.1.0, LHM, ICES 09.2.0, LTL, ICES 09.6.0	Unknown	Summer, Autumn	Quota, weather
Bottom set tangle nets	Physical	Surface disturbance	Abrasion at the sediment surface	Gill nets, GNS, ICES 07.1.0	Unknown	All year	weather

METIER/ ACTIVITY	PRESSURE CATEGORY	PRESSURE	POTENTIAL EFFECTS	FISHING GEARS OR AQUACULTURE EQUIPMENT	DURATION (DAYS)	TIME OF YEAR	FACTORS CONSTRAINING THE ACTIVITY
	Biological	Extraction	Removal of demersal fish				
		By-catch	Potential by-catch of designated species harbour seal and otter.				
Mixed fisheries demersal trawling	Physical	Surface disturbance	Abrasion at the sediment surface	Demersal single bottom otter trawls (OTB, ICES code 03.1.2)	Unknown	All year	Weather, quota restrictions
		Shallow disturbance	Sub-surface abrasion by trawl doors				
	Biological	Extraction	Removal of fish				
		By-catch mortality	Mortality of organisms in contact with fishing gear				
Trammel nets (bait fishery)	Physical	Surface disturbance	Abrasion on sediment surface or on reefs	GTR, ICES 07.5.0	Unknown	All year	Availability and price of bait
	Biological	Extraction	Removal of non-commercial fish species				
		By catch	Potential catch of designated species otter and harbour seal				

7. Screening of Aquaculture Activities

A screening assessment is an initial evaluation of the possible impacts that activities may have on the qualifying interests. The screening, is a filter, which may lead to exclusion of certain activities or qualifying interests from appropriate assessment proper, thereby simplifying the assessments, if this can be justified unambiguously using limited and clear cut criteria. Screening is a conservative filter that minimises the risk of false negatives.

In this assessment screening of the qualifying interests against the proposed activities is based primarily on spatial overlap i.e. if the qualifying interests overlap spatially with the proposed activities then significant impacts due to these activities on the conservation objectives for the qualifying interests is not discounted (not screened out) except where there is absolute and clear rationale for doing so. Where there is relevant spatial overlap full assessment is warranted. Likewise if there is no spatial overlap and no obvious interaction is likely to occur, then the possibility of significant impact is discounted and further assessment of possible effects is deemed not to be necessary. Table 2 provides spatial overlap extent between designated habitat features and aquaculture activities within the qualifying interests of the Kenmare River SAC.

7.1 Aquaculture Activity Screening

- The marine habitat Submerged or Partially Submerged Seacaves (8330) has no spatial overlap with (existing and proposed) aquaculture activities.
- Table 2 highlights the spatial overlap between (existing and proposed) aquaculture activities and both habitat features (i.e. Large Shallow Inlet and Bay and Reefs).
- Tables 6 and 7 provide an overview of overlap of aquaculture activities and specific community types (identified from Conservation Objectives) within the broad habitat features 1160 and 1170, respectively.

Where the overlap between an aquaculture activity and a feature is zero it is screened out and not considered further. Therefore, the feature **Submerged or partially submerged sea caves (8330)** is excluded from further consideration in this assessment.

Furthermore, if the aquaculture activity occurs within the SAC but does not overlap a keystone community⁸ habitat type or overlap with a feature of interest then they are excluded from further assessment.

Therefore, the following habitats and one species are also excluded from further consideration in this assessment:

- **1014 Marsh Snail *Vertigo angustior***
- **1303 Lesser Horseshoe Bat *Rhinolophus hipposideros***

⁸ NPWS 2013. Kenmare River SAC (site code: 2158)-Conservation objectives supporting document - Marine habitats and species. Version 1 March 2013

- **1220 Perennial vegetation of stony banks**
- **1230 Vegetated sea cliffs of the Atlantic and Baltic coasts**
- **1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)**
- **1410 Mediterranean salt meadows (*Juncetalia maritimi*)**
- **2120 Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes")**
- **2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)**
- **4030 European dry heaths**
- **6130 Calaminarian grasslands of the *Violetalia calaminariae***

Furthermore, of the 11 community types (see Table 1) listed under the two habitat features (1160 and 1170), two (**Intertidal Mobile Sand Community Complex and Shingle**) have no spatial overlap between them and any aquaculture activities. In one instance, the community type **Shingle** appears to overlap with subtidal scallop aquaculture; however, this is considered a mapping anomaly and therefore, the spatial overlap is concluded as nil. On this basis, the community types, **Intertidal Mobile Sand Community Complex** and **Shingle** are excluded from further analysis of aquaculture interactions.

A number of aquaculture operations and applications within **Ardgroom Harbour and Killmackilloge Harbour** that do not overlap with features of interest and/or keystone communities are excluded from further analysis and are considered not to have a significant impact on habitat conservation features.

When overlap was observed it was quantified in a GIS application and presented on the basis of coverage of specific activity (representing different pressure types), licence status (licenced or application) intersecting with designated conservation features and/or sub-features (community types).

Table 6: Habitat utilisation i.e. spatial overlap in hectares and percentage (given in parentheses) of aquaculture activity over relevant community types within the qualifying interest 1160 - Large shallow inlets and bays (Spatial data based on licence database provided by DAFM. Habitat data provided in NPWS 2013a. 2013b).

			1160 – Large shallow inlets and bays								
Culture Type	Location	Status	Coarse sediment dominated by polychaetes comm. Complex 8,314ha	Fine to medium sand with crustaceans and polychaetes comm. Complex 1,989ha	Intertidal reef comm. Complex 526ha	<i>Laminaria</i> dominated comm. Complex 3,358ha	Muddy fine sands dominated by polychaetes and <i>Amphiura filiformis</i> comm. Complex 20,150ha	Subtidal reef with echinoderms and faunal turf comm. Complex 4,808ha	<i>P. multiplicatus</i> Comm. Complex 6ha	Maerl 47ha	<i>Zostera</i> 20ha
Mussel (<i>Mytilus edulis</i>) on ropes	Subtidal	L	17.53 (0.2)	8.08 (0.4)	0.03 (5.05E-03)	13.44 (0.4)	4.29 (0.02)	3.61 (0.08)	-	-	-
Mussel (<i>Mytilus edulis</i>) on ropes	Subtidal	A	255.88 (3.1)	45.02 (2.36)	-	31.97 (0.95)	57.82 (0.29)	92.79 (1.93)	-	-	-
Scallops (<i>Pecten maximus</i>) on seabed	Subtidal	L	37.85 (0.46)	20.15 (1.01)	0.78 (0.15)	199.15 (5.93)	186.21 (0.92)	9.15 (0.19)	6.23 (100.00)	13.06 (27.89)	0.50 (2.52)
Scallops (<i>Pecten maximus</i>) on seabed	Subtidal	A	0.47 (0.01)	-	-	1.39 (0.04)	-	-	-	-	-
Oysters (<i>Crassostrea gigas</i>) in bags & trestles	Intertidal	L	-	-	0.80 (0.15)	0.71 (0.02)	5.99 (0.03)	0.03 (5.88E-04)	-	-	-
Oysters (<i>Crassostrea gigas</i>) in bags & trestles	Intertidal	A	-	4.15 (0.21)	0.37 (0.07)	15.47 (0.46)	22.9 (0.11)	1.66 (0.03)	-	-	3.61 (18.05)
Salmon (<i>Salmo salar</i>) in net pens	Subtidal	L	46.28 (0.56)	4.31 (0.22)	-	5.45 (0.16)	-	6.62 (0.14)	-	-	-
Salmon (<i>Salmo salar</i>) in net pens	Subtidal	A	-	1.68 (0.08)	-	4.63 (0.14)	15.66 (0.08)	9.92 (0.21)	-	-	-
Totals			358.01 (4.31)	83.39 (4.19)	1.98 (0.38)	272.75 (8.1)	292.87 (1.45)	123.78 (2.57)	6.23 (100.00)	13.06 (27.89)	4.11 (20.55)

Table 7: Habitat utilisation i.e. spatial overlap in hectares and percentage (given in parentheses) of Aquaculture activity over relevant community types within the qualifying interest 1170 - Reefs (Spatial data based on licence database provided by DAFM. Habitat data provided in NPWS 2013a, 2013b).

			1170 - Reefs		
Culture Type	Location	Status	Intertidal reef community complex 681ha	<i>Laminaria</i> - dominated community complex 3678ha	Subtidal reef with echinoderms and faunal turf community complex 4838ha
Mussel (<i>Mytilus edulis</i>) on ropes	Subtidal	L	-	37.74 (1.02)	3.59 (0.07)
Mussel (<i>Mytilus edulis</i>) on ropes	Subtidal	A	-	35.92 (0.97)	98.34 (2.03)
Scallops (<i>Pecten maximus</i>) on seabed	Subtidal	L	0.78 (0.11)	198.93 (5.41)	9.13 (0.19)
Scallops (<i>Pecten maximus</i>) on seabed	Subtidal	A	-	1.82 (0.05)	-
Oysters (<i>Crassostrea gigas</i>) in bags & trestles	Intertidal	L	0.80 (0.12)	0.71 (0.02)	-
Oysters (<i>Crassostrea gigas</i>) in bags & trestles	Intertidal	A	2.94 (0.43)	18.59 (0.51)	1.66 (0.03)
Salmon (<i>Salmo salar</i>) in net pens	Subtidal	L	0	5.47 (0.15)	6.61 (0.14)
Salmon (<i>Salmo salar</i>) in net pens	Subtidal	A	0	4.62 (0.13)	9.91 (0.21)
			4.52 (0.66)	303.8 (8.26)	129.24 (2.67)

8. Assessment of Aquaculture Activities

8.1 Determining significance

The significance of the possible effects of the proposed activities on habitats, as outlined in the Natura Impact Statement (Section 6) and subsequent screening exercise (Section 7), is determined here in the assessment. The significance of effects is determined on the basis of Conservation Objective guidance for constituent habitats and species (Figures 1, 2 and NPWS 2013a, 2013b).

Within the Kenmare River SAC the qualifying habitats/species considered subject to potential disturbance and therefore, carried further in this assessment are:

- 1160 Large shallow inlets and bays
- 1170 Reefs
- 1355 Otter - *Lutra lutra*
- 1365 Common (Harbour) seal - *Phoca vitulina*

Habitats and species that are key contributors to biodiversity and which are sensitive to disturbance should be afforded a high degree of protection i.e. thresholds for impact on these habitats is low and any significant anthropogenic disturbance should be avoided. In the Kenmare River SAC these habitats/species include:

- *Zostera* –dominated community
- Maerl – dominated community
- *Pachycerianthus multiplicatus* community

For broad habitats and community types (Figures 1 and 2) significance of impact is determined in relation to, first and foremost, spatial overlap (see Section 7; Tables 6 and 7). Subsequent disturbance and the persistence of disturbance are considered as follows:

1. The degree to which the activity will disturb the qualifying interest. By disturb is meant change in the characterising species, as listed in the Conservation Objective guidance (NPWS 2013b) for constituent communities. The likelihood of change depends on the sensitivity of the characterising species to the activities in question. Sensitivity results from a combination of intolerance to the activity and/or recoverability from the effects of the activity (see Section 8.2 below).
2. The persistence of the disturbance in relation to the intolerance of the community. If the activities are persistent (high frequency, high intensity) and the receiving community has a high intolerance to the activity (i.e. the characterising species of the communities are sensitive and consequently impacted) then such communities could be said to be persistently disturbed.
3. The area of communities or proportion of populations disturbed. In the case of community disturbance (continuous or ongoing) of more than 15% of the community area it is deemed

to be significant. This threshold does not apply to sensitive habitats as listed above (*Zostera*, Maerl) where any spatial overlap of activities should generally be avoided.

Effects will be deemed to be significant when cumulatively they lead to long term change (persistent disturbance) in broad habitat/features (or constituent communities) resulting in an impact greater than 15% of the area.

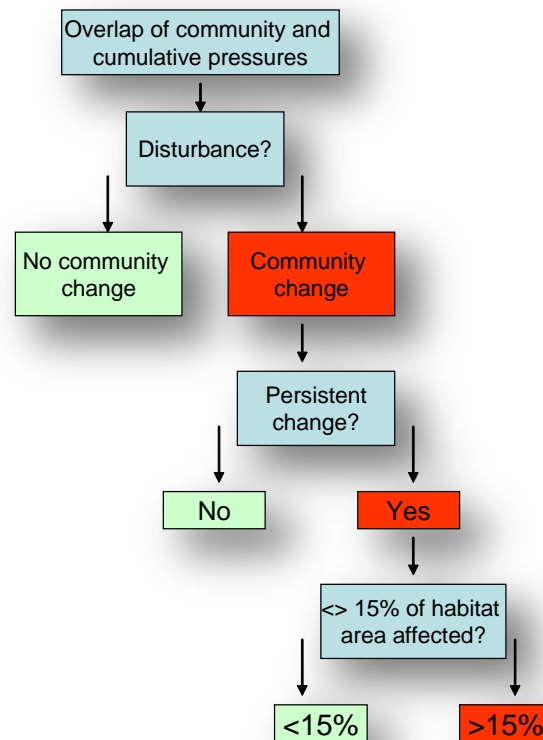


Figure 11: Determination of significant effects on community distribution, structure and function for sedimentary habitats (following NPWS 2013b).

In relation to designated species (Harbour Seal, Otter) the capacity of the population to maintain itself in the face of anthropogenic induced disturbance or mortality at the site will need to be taken into account in relation to the Conservation Objectives (CO's) on a case by case basis.

8.2 Sensitivity and Assessment Rationale

This assessment used a number of sources of information in assessing the sensitivity of the characterising species of each community recorded within the habitat features of the Kenmare River SAC. One source of information is a series of commissioned reviews by the Marine Institute which identify habitat and species sensitivity to a range of pressures likely to result from aquaculture and fishery activities (ABPMer 2013a-h). These reviews draw from the broader literature, including the MarLIN Sensitivity Assessment (Marlin.ac.uk) and the AMBI Sensitivity Scale (Borja et al., 2000) and other primary literature. It must be noted that NPWS have acknowledged that given the wide range of

community types that can be found in marine environments, the application of conservation targets to these would be difficult (NPWS 2013b). On this basis, they have proposed broad community complexes as management units. These complexes (for the most part) are very broad in their description and do not have clear surrogates which might have been considered in targeted studies and thus reported in the scientific literature. On this basis, the confidence assigned to likely interactions of the community types with anthropogenic activities are by necessity relatively low, with the exception of community types dominated by sensitive taxa, e.g. Mearl and *Zostera*. Other literature cited in the assessment does provide a greater degree of confidence in the conclusions. For example, the output of a recent study has provided greater confidence in terms of assessing likely interactions between intertidal oyster culture and community types (Forde et al submitted). Sensitivity of a species to a given pressure is the product of the intolerance (the susceptibility of the species to damage, or death, from an external factor) of the species to the particular pressure and the time taken for its subsequent recovery (recoverability is the ability to return to a state close to that which existed before the activity or event caused change). Life history and biological traits are important determinants of sensitivity of species to pressures from aquaculture.

In the case of species, community types of conservation interest, the separate components of sensitivity (intolerance, recoverability) are relevant in relation to the persistence of the pressure:

- For persistent pressures i.e. activities that occur frequently and throughout the year recovery capacity may be of little relevance except for species/communities that may have extremely rapid (days/weeks) recovery capacity or whose populations can reproduce and recruit in balance with population damage caused by aquaculture. In all but these cases and if sensitivity is moderate or high then the species/habitats may be negatively affected and will exist in a modified state. Such interactions between aquaculture and species/habitat/community represent persistent disturbance. They become significantly disturbing if more than 15% of the community is thus exposed (NPWS 2013a).
- In the case of episodic pressures i.e. activities that are seasonal or discrete in time both the intolerance and recovery components of sensitivity are relevant. If sensitivity is high but recoverability is also high relative to the frequency of application of the pressure then the species/habitat/community will be in favourable conservation status for at least a proportion of time.

The sensitivities of the community types (or surrogates) found within the Kenmare River SAC to pressures similar to those caused by aquaculture (e.g. smothering, organic enrichment and physical disturbance) are identified in Table 8. The sensitivities of species which are characteristic (as listed in the Conservation Objective supporting document) of benthic communities to pressures similar to those caused by aquaculture (e.g. smothering, organic enrichment and physical disturbance) are identified, where available, in Table 9. The following guidelines broadly underpin the analysis and conclusions of the species and habitat/community type sensitivity assessment:

- Sensitivity of certain taxonomic groups such as emergent sessile epifauna to physical pressures is expected to be generally high or moderate because of their form and structure (Roberts *et al.* 2010). Also high for those with large bodies and with fragile shells/structures, but low for those with smaller body size. Body size (Bergman and van Santbrink 2000) and fragility are regarded as indicative of a high intolerance to physical abrasion caused by fishing gears (i.e. dredges). However, even species with a high intolerance may not be sensitive to the disturbance if their recovery is rapid once the pressure has ceased.
- Sensitivity of certain taxonomic groups to increased sedimentation is expected to be low for species which live within the sediment, deposit and suspension feeders; and high for those sensitive to clogging of respiratory or feeding apparatus by silt or fine material.
- Recoverability of species depends on biological traits (Tillin *et al.* 2006) such as reproductive capacity, recruitment rates and generation times. Species with high reproductive capacity, short generation times, high mobility or dispersal capacity may maintain their populations even when faced with persistent pressures; but such environments may become dominated by these (r-selected) species. Slow recovery is correlated with slow growth rates, low fecundity, low and/or irregular recruitment, limited dispersal capacity and long generation times. Recoverability, as listed by MarLIN, assumes that the impacting factor has been removed or stopped and the community type returned to a state capable of supporting the species or community in question. The recovery process is complex and therefore the recovery of one species does not signify that the associated biomass and functioning of the full ecosystem has recovered (Anand & Desrocher, 2004) cited in Hall *et al.*, 2008).

8.3 Assessment of the effects of aquaculture production on the Conservation Objectives for habitat features in the Kenmare River SAC.

Aquaculture pressures on a given habitat are related to vulnerability (spatial overlap or exposure of the habitat to the equipment/culture organism combined with the sensitivity of the habitat) to the pressures induced by culture activities. To this end, the location and orientation of structures associated with the culture organism, the density of culture organisms, the duration of the culture activity and the type of activity are all important considerations when considering risk of disturbance to habitat features and species.

The constituent communities identified in the Annex 1 feature, **Large Shallow Inlets and Bays (1160)** are:

1. Intertidal mobile sand community complex (No overlap with aquaculture)
2. *Zostera*-dominated community
3. Maerl-dominated community
4. *Pachycerianthus multiplicatus* community
5. Muddy fine sands dominated by polychaetes and *Amphiura filiformis* community complex
6. Fine to medium sand with crustaceans and polychaetes community complex
7. Coarse sediment dominated by polychaetes community complex

8. Shingle (No overlap with aquaculture)
9. Intertidal reef community complex
10. *Laminaria*-dominated community complex
11. Subtidal reef with echinoderms and faunal turf community complex

For Large Shallow Inlets and Bays (1160) there are a number of attributes (with associated targets) relating to this habitat feature as well as its constituent community types;

1. **Habitat Area** – it is unlikely that the activities proposed will reduce the overall extent of permanent habitat within the feature Large Shallow Inlet and Bays. The habitat area is likely to remain stable.
2. **Community Distribution - (conserve a range of community types in a natural condition).**

This attribute considered interactions with 8 of the community types listed above and exclude three sensitive communities (i.e., *Zostera*-dominated community, Maerl-dominated community and *Pachycerianthus multiplicatus* community). Of the 8 communities, 2 have no overlap with aquaculture activities. Therefore, the following 6 community types, found within the qualifying interest 1160 of the SAC have overlap with aquaculture activities:

1. Muddy fine sands dominated by polychaetes and *Amphiura filiformis* community complex
2. Fine to medium sand with crustaceans and polychaetes community complex
3. Coarse sediment dominated by polychaetes community complex
4. Intertidal reef community complex
5. *Laminaria*-dominated community complex
6. Subtidal reef with echinoderms and faunal turf community complex

The community types listed above will be exposed to differing ranges of pressures from aquaculture activities. Some of these may result in more chronic and long term changes in community composition which were considered during the assessment process. Such activities in dredging for scallop which will result in physical disturbance to infaunal communities and longline mussel culture and finfish farming which results in organic loading on the seabed resulting in biogeochemical changes to sediment and a likely change in faunal compositions – whether this results in permanent change to the community type is unclear. Table 8, where possible, lists the community types (or surrogates) and Table 9 lists the constituent taxa and both provide a commentary of sensitivity to a range of pressures. The risk scores in Table 8 and 9 are derived from a range of sources identified above. The pressures are listed as those likely to result from the primary aquaculture activities carried out in the Kenmare River SAC. Aquaculture activities in the Kenmare River SAC comprises of both finfish and shellfish production. Considered in the assessment are intertidal oyster culture (bag and trestle), subtidal scallop on-bottom culture, intertidal clam on-bottom culture, subtidal (suspended) rope mussel culture, and Atlantic salmon culture in net pens.

Table 11 below identify the likely interactions between the relevant aquaculture activities and the broad habitat feature (1160) and their constituent community types, with a broad conclusion and justification on whether the activity is considered disturbing to the feature in question. It must be noted that the sequence of distinguishing disturbance is as highlighted above, whereby activities with spatial overlap on habitat features are assessed further for their ability to cause persistence disturbance on the habitat. If persistent disturbance is likely then the spatial extent of the overlap is considered further. If the proportion of the overlap exceeds a threshold of 15% disturbance of the habitat (or each constituent community type) then any further licencing should be informed by interdepartmental review and consultation (NPWS 2013b). While some activities (e.g. suspended mussel culture, intertidal clam culture and salmon cage culture) might result in long-term change to the 6 community types identified above; in all cases, no activity (individually or combined) extends beyond 15% of the community type (Tables 6 and 11). In addition, combined activities listed overlap with 2.88% of habitat feature (1160) Large Shallow Inlet and Bay (Table 3). On the basis of targeted research (Forde et al, Submitted) and the fact that intertidal oyster culture on trestles is considered non-disturbing to both sedimentary communities and intertidal reef communities, further assessment (i.e. spatial analysis) is not required.

3. Community Extent and Structure – focusing upon Maerl, *Zostera* and *Pachycerianthus multiplicatus* communities

The focus of these attributes are primarily upon the 3 community types, *Zostera*-dominated community, Maerl-dominated community and *Pachycerianthus multiplicatus* community. These communities are considered highly diverse and sensitive community types which host a wide range of taxa. The 'keystone' species in each community type (Maerl and *Zostera*) is considered important and sensitive in their own right. It should be noted that maerl beds exist within Ardgroom and Killmakilloge Harbours, which are not within the qualifying interest (i.e. 1160 Large shallow inlets and bays or 1170 Reefs). However, as these maerl beds are still within the SAC boundary and are listed in Annex V of the Habitats Directive they must be afforded protection and maintained in favourable conservation status.

The Kenmare River is one of a very small number of sites within Europe where the large tube building anthozoan *Pachycerianthus multiplicatus* is known to occur. This community is found in coarse sediment dominated by a polychaete community complex. The anthozoan itself resides in a large tube which is known to provide a variety of micro niches thus resulting in localised increases in biodiversity. *P. multiplicatus* is listed in the UK Biodiversity Action Plan as a species of conservation concern (Biodiversity Steering Group, 1995). According to (Wilding & Wilson, 2009) the species is deemed nationally rare, and due to its limited, fragmented distribution, populations are likely to be of global importance.

Given the highly sensitive natures of these community types and constituent taxa (Table 8 and 9) it is highly likely that aquaculture activities of any type which overlap these community type and the pressures may result in long-term or permanent change to the extent of these

community types and the impact upon their structure and function cannot be discounted. This effect will come about by the physical removal or damage caused by the activities on any of the highly diverse taxa associated with these community types (Table 11). In addition, the impact of the placement of large numbers of scallop seed on seagrass beds and subsequent harvest by scuba diving is uncertain, in the absence of information on the nature of the diving operation (exact method of extraction).

The constituent communities identified in the Annex 1 feature **Reefs (1170)** are:

1. Intertidal reef community complex
2. *Laminaria*-dominated community complex
3. Subtidal reef with echinoderms and faunal turf community complex

Similar to Large Shallow Inlets and Bays (1160) there are a number of attributes (with associated targets) relating to Reef (1170) habitat features as well as associated constituent community types;

1. **Distribution and Habitat area:** The aquaculture activities in question will not, by virtue of the pressures associated with them, impact on the broad distribution of reef structures and reduce the area of these features within the SAC.
2. **Community Structure:** The intertidal reef community, which is extensive within the SAC, is dominated by brown algal species with red algae and a faunal aspect typical of the rocky intertidal (i.e. gastropods, anemones and sponges). The subtidal rocky communities are dominated by large macro algae (kelp) and faunal turf (anthozoans, echinoderms, hydrozoans and sponges).

Table 8 lists the community (or surrogates) and Table 9 lists the constituent taxa and both provide a commentary of sensitivity to a range of pressures. The risk scores are derived from a range of sources identified above. The pressures are listed as those likely to result from the primary aquaculture activities carried out in the Kenmare River SAC. Aquaculture activities in the Kenmare River SAC comprises of both finfish and shellfish production. Considered in the assessment are intertidal oyster culture (bag and trestle), subtidal scallop on-bottom culture, intertidal clam on-bottom culture, subtidal (suspended) rope mussel culture, and Atlantic salmon culture in net pens.

Suspended culture activities of finfish and rope mussel can lead to organic enrichment and exclusion of taxa on any reef community type (as well 1170), thus impacting upon community structure and hence, function. In addition, scallop culture on the seabed is unlikely to occur on the majority of reef community types, but may occur on more mixed sediments. However, the maximum cover of aquaculture activities on each of the habitats is below 15% (Table 13) and the total cover of all aquaculture activities is 4.48% of reef habitat (1170) (Table 3).

Introduction of non-native species; As already outlined oyster culture may present a risk in terms of the introduction of non-native species as the Pacific oyster (*Crassostrea gigas*) itself is a non-native species. Recruitment of *C. gigas* has been documented in a number of Bays in Ireland and appears

to have become naturalised (i.e. establishment of a breeding population) in two locations (Kochmann et al 2012; 2013) and may compete with the native species for space and food. In addition to having large number of oysters in culture, Kochmann et al (2013) identified short residence times and large intertidal areas as factors likely contributing to the successful recruitment of oysters in Irish bays. In addition, a recent study (Kochmann and Crowe, 2014) has identified heavy macroalgal cover as a potential factor governing successful recruitment, with higher cover resulting in lower recruitment. Oyster production in the Kenmare does not fulfil these criteria, as production is low (30 tonnes pa), the suitable habitat intertidally is low with high macroalgal cover and residence time is between 1.2-22.6 days. Therefore the risk of successful establishment of the pacific oyster in Kenmare River SAC is considered low.

In relation to the Manila clam (*Ruditapes philippinarum*), this species has been in culture in Ireland since 1984 and, to the best of our knowledge, no recruitment in the wild has been recorded. The operations are totally reliant on hatchery seed and are fully contained at all stages of the production cycle. The risk of naturalisation of this species is considered low, but should be kept under surveillance.

Table 8: Matrix showing, where possible, the characterising community types (or surrogates) sensitivity scores x pressure categories in Kenmare River SAC (ABPMer 2013a-h). Table 9 provides the code for the various categorisation of sensitivity and confidence

Community Type (EUNIS code)	Pressure Type																					
	Surface Disturbance	Shallow Disturbance	Deep Disturbance	Extraction	Siltation (addition of fine sediments, pseudofaeces, fish food)	Smothering (addition of materials biological or non-biological to the surface)	Changes to sediment composition- increased coarseness	Changes to sediment composition- increased fine sediment proportion	Changes to water flow	Increase in turbidity/suspended sediment	Decrease in turbidity/suspended sediment	Organic enrichment-water column	Organic enrichment of sediments-sedimentation	Increased removal of primary production- phytoplankton	Decrease in oxygen levels- sediment	Decrease in oxygen levels-water column	Introduction of non-native species	Removal of Target Species	Removal of Non-target species	Introduction of antifoulants	Introduction of medicines	Introduction of hydrocarbons
<i>Zostera</i> -dominated community (A5.533)	M-H (***)	M-VH (***)	M-VH (***)	M-VH (**)	VH (***)	VH (***)	M(*)	M (***)	M(*)	H (***)	NS (*)	H (***)	NS (*)	H-VH (*)	H-VH (*)	H (**)	NS (*)	NS (*)	NEv	NEv	NS (***)	H-VH (**)
<i>Maerl</i> -dominated community (A5.51)	H (***)	H-VH (***)	H (***)	H-VH (***)	H-VH (***)	H-VH (***)	NS (*)	NS (*)	NS (*)	H(*)	NS (*)	H (*)	NS (*)	H(**)	H(**)	H (***)	VH (***)	NS (*)	NE	NE	NE	VH (*)
Muddy fine sands dominated by polychaetes and <i>A. filiformis</i> community complex (Subtidal A5.33/A5.35)	NS (*)	L(*)	L(*)	L-M (*)	L(*)	L-M (*)	L-M (*)	NS (*)	NS (*)	NS (*)	NS (*)	L(*)	NS (*)	L(*)	L(*)	H (*)	NS (*)	NS (*)	NS (*)	NS (*)	L(*)	NS (*)
Fine to medium sand with crustaceans and polychaetes community complex (Intertidal and subtidal) (A5.23)	NS (*)	L(*)	L(*)	L-M (*)	L-M (*)	L-M (*)	L-M (*)	M(*)	L-M (*)	NS (*)	NS (*)	NS (*)	NS (*)	L-NS (***)	L-NS (***)	NS (***)	NS (*)	NS (*)	NS (*)	NS (*)	L(*)	NS (*)

Community Type (EUNIS code)	Pressure Type																						
	Surface Disturbance	Shallow Disturbance	Deep Disturbance	Extraction	Siltation (addition of fine sediments, pseudofaeces, fish food)	Smothering (addition of materials biological or non-biological to the surface)	Changes to sediment composition- increased coarseness	Changes to sediment composition- increased fine sediment proportion	Changes to water flow	Increase in turbidity/suspended sediment	Decrease in turbidity/suspended sediment	Organic enrichment-water column	Organic enrichment of sediments-sedimentation	Increased removal of primary production- phytoplankton	Decrease in oxygen levels- sediment	Decrease in oxygen levels- water column	Introduction of non-native species	Removal of Target Species	Removal of Non-target species	Introduction of antifoulants	Introduction of medicines	Introduction of hydrocarbons	Prevention of light reaching seabed/features
Intertidal reef community complex (A3.21)**	NS (*)	NA	NA	NA	NS (*)	M-VH (*)	NA	NA	NS (*)	NS (*)	NS (*)	NS (*)	NE	NS (*)	NE	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)
<i>Laminaria</i> -dominated community complex (A3.21)**	NS (*)	NA	NA	NA	NS (*)	M-VH (*)	NA	NA	NS (*)	NS (*)	NS (*)	NS (*)	NE	NS (*)	NE	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)
Subtidal reef with echinoderms and faunal turf community complex (A4.1/4.2)	NS (*)	NA	NA	NA	NS (*)	M-VH (*)	NA	NA	NS (*)	NS (*)	NS (*)	NS (*)	NE	NS (*)	NE	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)

Note: *No sensitivity listed for this community type;**No sensitivity listed for this community type (3.21) so using scores for A3.22.

Table 9: Matrix showing the characterising species sensitivity scores x pressure categories for taxa in Kenmare River SAC (ABP Mer 2013a-h). Table 9 provides the code for the various categorisation of sensitivity and confidence

Species	Pressure Type																						
	Surface Disturbance	Shallow Disturbance	Deep Disturbance	Extraction	Siltation	Smothering (addition of materials biological or non-biological to the surface)	Changes to sediment composition- increased coarseness	Changes to sediment composition- increased fine sediment proportion	Changes to water flow	Increase in turbidity/suspended sediment	Decrease in turbidity/suspended sediment	Organic enrichment-water column	Organic enrichment of sediments- sedimentation	Increased removal of primary production- phytoplankton	Decrease in oxygen levels- sediment	Decrease in oxygen levels-water column	Introduction of non-native species	Removal of Target Species	Removal of Non-target species	Introduction of antifoulants	Introduction of medicines	Introduction of hydrocarbons	Prevention of light reaching seabed/features
<i>Abra alba</i>	L(*)	L (***)	L(*)	M (*)	NS (***)	M (*)	L(*)	NS (*)	NS (*)	L(*)	L(*)	NS (*)	NS (*)	NS (*)	L (***)	L-M (***)	L-M (*)	NS (*)	NS (*)	NS (***)	NEv	L (***)	NS (*)
<i>Alcyonium digitatum</i>	L-M (***)	NE	NE	NE	L(**)	M(*)	NA	NA	L(*)	NS (*)	NS (*)	NEv	NE	NS (*)	NE	M(*)	NEv	NS (*)	NS (*)	NEv	NEv	NS (*)	NS (*)
<i>Angulus sp. (Moerella)</i>	NS (*)	L(*)	L (***)	M(*)	NS (*)	H(*)	M-H (*)	NS (*)	L-M (*)	L(*)	NS (*)	NS (*)	NEv	L-NS (*)	NEv	NEv	M (*)	NS (*)	NS (*)	NS (*)	NEv	NEv	NS (*)
<i>Bathyporeia spp.</i>	NS (*)	L (***)	L (***)	L-M (*)	L (***)	L-M (*)	L-M (*)	L-M (*)	NS (*)	NS (*)	NS (*)	L-M (*)	L-M (*)	NS (*)	L-M (***)	L-M (***)	L-M (*)	NS (*)	NS (*)	NS (*)	NEv	NEv	NS (*)
<i>Corynactis viridis</i>	M-H (*)	NA	NA	NA	L(*)	H-VH (*)	NA	NA	M-H (*)	L(*)	NS (*)	NS (*)	NE	NS (*)	NE	NEv	NS (*)	NS (*)	NS (*)	NEv	NEv	NEv	NS (*)
<i>Cliona celata</i>	M (***)	NA	NA	NE	M (**)	L(*)	NA	NA	NEv	NS (***)	NS (*)	NS (***)	NE	NS (*)	NE	NEv	NS (*)	NS (*)	NS (*)	NEv	NEv	NEv	NS (*)
<i>Caryophyllia smithi</i>	H (**)	NA	NA	NE	H (***)	VH(*)	NA	NA	NS (*)	NS (*)	H(*)	NEv	NE	NS (*)	NE	NEv	NEv	NS (*)	NS (*)	NEv	NEv	NEv	MS (*)
<i>Capitella spp.</i>	L(*)	L (**)	L (**)	L(*)	L(*)	NS (*)	NS (*)	NS (***)	NS (*)	NS (*)	NS (*)	NS (***)	NS (***)	NS (*)	L (***)	L (***)	NS (*)	NS (*)	NS (*)	NS (***)	L (***)	NS (***)	NS (*)
<i>Corophium volutator</i>	L (***)	L (***)	L (***)	L(*)	L (***)	L (***)	M(*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (***)	NS (***)	NS (*)	L (***)	L (***)	NEv	NS (*)	NS (*)	NA	NEv	L (***)	NS (*)
<i>Cerastoderma edule</i>	L(*)	L-M (*)	L-M (***)	L-H (*)	L (***)	L-M (*)	L-H (*)	NS (*)	L(*)	NS (*)	NS (*)	NS (*)	NS (**)	L-NS (*)	L-M (*)	L-M (*)	M (*)	M (*)	NS (*)	NS (*)	NEv	L-M (*)	NS (*)

Species	Pressure Type																						
	Surface Disturbance	Shallow Disturbance	Deep Disturbance	Extraction	Siltation	Smothering (addition of materials biological or non-biological to the surface)	Changes to sediment composition- increased coarseness	Changes to sediment composition- increased fine sediment proportion	Changes to water flow	Increase in turbidity/suspended sediment	Decrease in turbidity/suspended sediment	Organic enrichment-water column	Organic enrichment of sediments- sedimentation	Increased removal of primary production- phytoplankton	Decrease in oxygen levels- sediment	Decrease in oxygen levels-water column	Introduction of non-native species	Removal of Target Species	Removal of Non-target species	Introduction of antifoulants	Introduction of medicines	Introduction of hydrocarbons	Prevention of light reaching seabed/features
<i>Echinus esculentus</i>	L-M (***)	NA	NA	NA	L (***)	H(*)	NA	NA	NS (*)	NS	NS (*)	NS	NE	NS (*)	NE	H(***)	NS (*)	L-M	NS	NEv	NEv	M-H	NS (*)
<i>Euclymene oerstedii</i>	NS (*)	NS (*)	M(*)	H(*)	NS (*)	H(*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	M(*)	M(*)	NS (*)	NS (*)	NS (*)	NS (*)	NEv	NS (*)	NS (*)
<i>Fabulina fabula</i>	NS (*)	L-NS (*)	L-NS (*)	M(*)	NS (*)	M(*)	M-H(*)	L(*)	L(*)	NS (*)	NS (*)	L(*)	M-H (*)	L-NS (*)	NS-L (***)	L-NS (*)	M(*)	NS (*)	NS (*)	NS (*)	NEv	L-M (*)	NS (*)
<i>Glycera</i> sp.	NS (*)	L-M (***)	L-M (*)	M(*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (**)	NS (***)	NS (*)	NS (*)	NS (***)	NS (***)	NS (*)	NS (*)	NS (*)	NA	NEv	NS (***)	NS (*)
<i>Hydrobia ulvae</i>	L-NS (*)	L (***)	L(*)	M (*)	NS (***)	L(*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (***)	NS (*)	L(*)	L(*)	L(*)	NS (*)	NS (*)	NEv	NEv	M (*)	NS (*)
<i>Lanice conchilega</i>	NS (*)	NS-L (***)	NS-L (***)	M-H (*)	NS (*)	M-H (*)	NS (*)	NS (***)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	M (*)	M (*)	M-H (*)	NS (*)	NS (*)	NS (*)	NEv	L (***)	NS (*)
<i>Nephtys hombergii</i>	NS (*)	L(*)	L(***)	L(*)	NS(*)	NS (*)	L(*)	NS (*)	NS(*)	NS (*)	NS (*)	NS (*)	NS(*)	NS (*)	NS (***)	NS (***)	NS (*)	M(*)	NS (*)	NS(*)	NEv	M (***)	NS (*)
<i>Nephtys cirrosa</i>	NS (*)	L (***)	L (***)	L(*)	NS (***)	NS (*)	L(*)	NS (*)	L(*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	M (*)	M (*)	NS (*)	NS (*)	NEv	NEv	NS (*)
<i>Nematoda</i>	NS (***)	NS (***)	NS (***)	L(*)	NS (*)	NS (***)	NS (***)	NS (***)	NS (*)	NS (*)	NS (*)	NS (*)	NS (***)	NS (*)	L (***)	L (***)	NS (***)	NS (*)	L(*)	NS (***)	NEv	L (***)	NS (*)
<i>Protodorvillea kefersteini</i>	NS (*)	NS (*)	NS (*)	L-M(*)	L(*)	L(*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (***)	NS (*)	NS (*)	NS (*)	M(*)	NS (*)	NS (*)	NS (*)	NEv	NS (*)	NS (*)
<i>Phaxas pellucidus</i>	NS (*)	M(*)	M(*)	H(*)	NS (***)	M(*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	L(*)	L-NS	NEv	NEv	M(*)	NS (*)	NS (*)	NS (*)	NEv	NEv	NS (*)	

Species	Pressure Type																						
	Surface Disturbance	Shallow Disturbance	Deep Disturbance	Extraction	Siltation	Smothering (addition of materials biological or non-biological to the surface)	Changes to sediment composition- increased coarseness	Changes to sediment composition- increased fine sediment proportion	Changes to water flow	Increase in turbidity/suspended sediment	Decrease in turbidity/suspended sediment	Organic enrichment-water column	Organic enrichment of sediments- sedimentation	Increased removal of primary production- phytoplankton	Decrease in oxygen levels- sediment	Decrease in oxygen levels-water column	Introduction of non-native species	Removal of Target Species	Removal of Non-target species	Introduction of antifoulants	Introduction of medicines	Introduction of hydrocarbons	Prevention of light reaching seabed/features
														(*)									
<i>Pygospio elegans</i>	L(*)	L (**)	M (***)	L-M (*)	L (***)	L-M (***)	L-M (*)	NS (**)	L-M (*)	NS (*)	NS (*)	NS (*)	NS (***)	NS (*)	L (**)	L (**)	M (*)	NS (*)	NS (*)	NS (*)	NEv	NEv	NS (*)
<i>Scoloplos armiger</i>	NS (*)	L(*)	L-M (*)	H (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (***)	NS (***)	NS (*)	NS (*)	M (***)	M (***)	M (*)	M (**)	NS (*)	NS (*)	NEv	NEv	NS (*)
<i>Tubificoides spp.</i>	NS (*)	NS (*)	L (**)	M (*)	NS (*)	L(*)	NS (*)	NS (*)	NS (***)	NS (*)	NS (*)	NS (***)	NS (***)	NS (*)	NS (***)	NS (***)	NS (*)	NS (*)	NS (*)	NS (**)	NEv	NEv	NS (**)
<i>Notomastus sp</i>	NS (*)	L (***)	L (***)	L-M (*)	L(**)	L(*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (**)	NS (*)	L(*)	L(*)	M(*)	NS (*)	NS (*)	NS (*)	NEv	NS (***)	NS (*)
<i>Melinna palmata</i>	NS (***)	NS (***)	NS (***)	M(*)	L (***)	M(*)	NS (*)	NS (*)	NS (*)	L(*)	NS (***)	NS (***)	NS (***)	NS (*)	NS (***)	NS (***)	L(*)	NS (*)	NS (*)	NS (***)	NEv	M (***)	NS (*)
<i>Mysella bidentata</i>	NS (*)	NS (*)	L-M (*)	M(*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (**)	NS (**)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	L-M (*)	NS (*)	NEv	NA	NS (*)
<i>Prionospio spp.</i>	NS (*)	NS (***)	NS (*)	L(*)	L (***)	L(*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (***)	NS (***)	NS (*)	NS (***)	NS (***)	L(*)	NS (*)	NS (*)	NS (***)	NEv	NS (***)	NS (*)
<i>Scalibregma inflatum</i>	NS (*)	L(*)	M(*)	M(*)	NS (***)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (***)	NS (*)	NS (***)	NS (***)	NA	NS (*)	NS (*)	NS (*)	NS (*)	NEv	NS (*)
<i>Spiophanes bombyx</i>	L(*)	L (***)	L(***)	L(*)	NS (*)	L(*)	L(*)	L(*)	NS (*)	NS (*)	NS (*)	NS (***)	NS (***)	NS (*)	L (***)	L (***)	L(*)	NS (*)	NS (*)	NS (*)	NEv	L (***)	NS (*)
<i>Thyasira flexuosa</i>	L(*)	L (***)	L(*)	M-H (*)	NS (*)	M-H (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (*)	NS (***)	NS (*)	M (***)	M (***)	M (*)	NS (*)	NS (*)	NS (***)	NEv	NS (***)	NS (*)

Table 10: Codes of sensitivity and confidence applying to species and pressure interactions presented in Tables 8 and 9.

Species x Pressure Interaction Codes for Tables 8 and 9	
NA	Not Assessed
Nev	No Evidence
NE	Not Exposed
NS	Not Sensitive
L	Low
M	Medium
H	High
VH	Very High
*	Low confidence
**	Medium confidence
***	High Confidence

Conclusion 1: It is concluded that, with three exceptions, the aquaculture activities individually and in-combination do not pose a risk of significant disturbance to the conservation features for habitats (and community types) in Kenmare River based primarily upon the spatial overlap and sensitivity analysis (Tables 11 and 12). The exceptions are the activity (**scallop culture**) occurring over **Maerl dominated community**, ***Pachycerianthus multiplicatus* community complex** and ***Zostera* dominated community**. In spite of the relatively benign nature of the culture proposed (placement of scallop seed on seafloor) it is still considered potentially disturbing to these extremely sensitive community types types, primarily by virtue of the dredging activity associated with the culture practice and the uncertain nature of the placement of large quantities of scallop seed upon seagrass beds and subsequent scuba diving activities. The location of an intertidal oyster cultivation operation (T06/500A) over a *Zostera* bed is considered disturbing.

Table 11: Interactions between the relevant aquaculture activities and the habitat feature Large shallow inlets and bays (1160) constituent communities with a broad conclusion on the nature of the interactions.

			1160 – Large shallow inlets and bays				
Culture Type	Location	Method	<i>Zostera</i> -dominated community	<i>Maerl</i> -dominated community	<i>P. multiplicatus</i> community	Muddy fine sands dominated by polychaetes and <i>Amphiura filiformis</i> community	Fine to medium sand with crustaceans and polychaetes community complex
Mussel (<i>Mytilus edulis</i>) on ropes	Subtidal	Intensive	N/A	N/A	N/A	Disturbing: Yes Justification: The high density of stock will impact on seafloor due to organic enrichment (faeces and pseudofaeces) and stock drop off. However the species have high recoverability and are tolerant. This activity overlaps 0.31% of this community type.	Disturbing: Yes Justification: The high density of stock will impact on seafloor due to organic enrichment (faeces and pseudofaeces) and stock drop off. However the species have high recoverability and are tolerant. This activity overlaps 2.76% of this community type
Oysters (<i>Crassostrea gigas</i>) in bags & trestles	Intertidal	Intensive	Disturbing: Yes Justification: Given the highly sensitive nature of this community type any activity is likely to have some impact either by shading by trestles on grass or compaction by transport routes to/through the trestles and increased organic enrichment. This activity overlaps 18.05% of this community type	N/A	N/A	Disturbing: No Justification: Published literature (Forde et al., 2015) suggests that activities occurring at trestle culture sites are not disturbing. The stock is confined in bags, is sourced from hatcheries and is diploid/triploid.	Disturbing: No Justification: Published literature (Forde et al., 2015) suggests that activities occurring at trestle culture sites are not disturbing. The stock is confined in bags, is sourced from hatcheries and is diploid/triploid.
Scallops (<i>Pecten maximus</i>) on seabed	Subtidal	Extensive	Disturbing: Yes Justification: Given the highly sensitive nature of this community type any activity is likely to have some impact either by increasing species (albeit native) biomass/density and the disturbance risks associated with harvest activities (dredging). This activity overlaps 2.52% of this community type.	Disturbing: Yes Justification: Given the highly sensitive nature of the community type in question any activity is likely to have some impact either by increasing species (albeit native) biomass/density and the disturbance risks associated with harvest activities (dredging). This activity overlaps 27.89% of this community type..	Disturbing: Yes Justification: Given the highly sensitive nature of the community type in question any activity is likely to have some impact mainly due to disturbance risks associated with harvest activities (dredging). This activity overlaps 100% of this community type.	Disturbing: No Justification: The activities associated with this culture type is likely to have some impact mainly due to disturbance risks associated with harvest activities (dredging). This activity overlaps 0.92% of this community type.	Disturbing: No Justification: The activities associated with this culture type is likely to have some impact mainly due to disturbance risks associated with harvest activities (dredging). This activity overlaps 1.01% of this community type.
Salmon (<i>Salmo salar</i>) in net pens	Subtidal	Intensive	N/A	N/A	N/A	Disturbing: Yes Justification: The community and species would be sensitive to the activity by virtue of persistent organic enrichment on the seafloor. This activity overlaps 0.08% of this community type	Disturbing: Yes Justification: The community and species would be sensitive to the activity by virtue of persistent organic enrichment on the seafloor. This activity overlaps 0.31% of this community type
Cumulative Impact Aquaculture			Disturbing: Yes Justification: This community type is not tolerant of any overlap of any activity. The cumulative pressure of likely impacting activities on this community type is 20.55%.	Disturbing: Yes Justification: This community type is not tolerant of any overlap of any activity. The cumulative pressure of likely impacting activities on this community type is significant at 27.89%.	Disturbing: Yes Justification: The cumulative pressure of likely impacting activities on this community type is significant at 100%.	Disturbing: No Justification: The cumulative pressure of likely impacting activities is 0.39% on this community type. (<15% threshold).	Disturbing: No Justification: the cumulative pressure of likely impacting activities is 3.07% on this community type. (<15% threshold).

Table 12 cont'd: Interactions between the relevant aquaculture activities and the habitat feature Large shallow inlets and bays (1160) constituent communities with a broad conclusion on the nature of the interactions.

			1160 – Large shallow inlets and bays			
Culture Type	Location	Method	Coarse sediment dominated by polychaetes community complex	Intertidal reef community complex	<i>Laminaria</i> -dominated community complex	Subtidal reef with echinoderms and faunal turf community complex
Mussel (<i>Mytilus edulis</i>) on ropes	Subtidal	Intensive	<p>Disturbing: Yes</p> <p>Justification: The high density of stock will impact on seafloor due to organic enrichment (faeces and pseudofaeces) and stock drop off.</p> <p>This activity overlaps 3.31% of this community type</p>	<p>Disturbing: Yes</p> <p>Justification: The community type is sensitive to shaing, stock drop off, smothering and siltation (faeces and pseudofaeces).</p> <p>This activity overlaps 5.05E-03% of this community type</p>	<p>Disturbing: Yes</p> <p>Justification: The community type is sensitive to shaing, stock drop off, smothering and siltation (faeces and pseudofaeces).</p> <p>This activity overlaps 1.35% of this community type.</p>	<p>Disturbing: Yes</p> <p>Justification: The community type is sensitive to shaing, stock drop off, smothering and siltation (faeces and pseudofaeces).</p> <p>This activity overlaps 2.01% of this community type</p>
Oysters (<i>Crassostrea gigas</i>) in bags & trestles	Intertidal	Intensive	N/A	<p>Disturbing: Yes</p> <p>Justification: The community type is sensitive to shading, smothering and siltation (faeces and pseudofaeces).</p> <p>This activity overlaps 0.22% this community type.</p>	<p>Disturbing: Yes</p> <p>Justification: The community type is sensitive to shading, smothering and siltation (faeces and pseudofaeces).</p> <p>This activity overlaps 0.48% this community type.</p>	<p>Disturbing: Yes</p> <p>Justification: The community type is sensitive to shading, smothering and siltation (faeces and pseudofaeces).</p> <p>This activity overlaps 0.03% this community type.</p>
Scallops (<i>Pecten maximus</i>) on seabed	Subtidal	Extensive	<p>Disturbing: Yes</p> <p>Justification: The activities associated with this culture type is likely to have some impact mainly due to disturbance risks associated with harvest activities (dredging).</p> <p>This activity overlaps 0.47% of this community type.</p>	<p>Disturbing: Yes</p> <p>Justification: It is unlikely that the culture operation will occur over this community type given the difficulty likely to be encountered operating a dredge. However, the activities associated with this culture type are likely to have some impact mainly due to disturbance risks associated with harvest activities (dredging).</p> <p>This activity overlaps 0.15% of this community type.</p>	<p>Disturbing: Yes</p> <p>Justification: It is unlikely that the culture operation will occur over this community type given the difficulty likely to be encountered operating a dredge. However, the activities associated with this culture type is likely to have some impact mainly due to disturbance risks associated with harvest activities (dredging).</p> <p>This activity overlaps 5.97% of this community type.</p>	<p>Disturbing: Yes</p> <p>Justification: It is unlikely that the culture operation will occur over this community type given the difficulty likely to be encountered operating a dredge. However, the activities associated with this culture type is likely to have some impact mainly due to disturbance risks associated with harvest activities (dredging).</p> <p>This activity overlaps 0.19% of this community type.</p>
Salmon (<i>Salmo salar</i>) in net pens	Subtidal	Intensive	<p>Disturbing: Yes</p> <p>Justification: The community type and species would be sensitive to the activity by virtue of persistent organic enrichment on the seafloor.</p> <p>This activity overlaps 0.56% of this community type.</p>	N/A	<p>Disturbing: Yes</p> <p>Justification: The community type is considered tolerant to pressures from activity. The species would be sensitive to the activity by virtue of persistent organic enrichment on the seafloor.</p> <p>This activity overlaps 0.30% of this community type.</p>	<p>Disturbing: Yes</p> <p>Justification: The community type is considered tolerant to pressures from activity. The species would be sensitive to the activity by virtue of persistent organic enrichment on the seafloor.</p> <p>This activity overlaps 0.35% of this community type.</p>
Cumulative Impact Aquaculture			<p>Disturbing: No</p> <p>Justification: the cumulative pressure of likely impacting activities is 4.34% on this community type. (<15% threshold).</p>	<p>Disturbing: No</p> <p>Justification: the cumulative pressure of likely impacting activities is 0.37% on this community type. (<15% threshold).</p>	<p>Disturbing: No</p> <p>Justification: the cumulative pressure of likely impacting activities is 8.60% on this community type. (<15% threshold).</p>	<p>Disturbing: No</p> <p>Justification: the cumulative pressure of likely impacting activities is 2.58% on this community type. (<15% threshold).</p>

Table 13: Interactions between the relevant aquaculture activities and the community type feature Reefs (1170) constituent communities with a broad conclusion on the nature of the interactions.

			1170 – Reef		
Culture Type	Location	Method	Intertidal reef community complex	<i>Laminaria</i> -dominated community complex	Subtidal reef with echinoderms and faunal turf community complex
Mussel (<i>Mytilus edulis</i>) on ropes	Subtidal	Intensive	-	Disturbing: Yes Justification: The community type is sensitive to shading, stock drop off, smothering and siltation (faeces and pseudofaeces). This activity overlaps 1.99% of this community type.	Disturbing: Yes Justification: The community type is sensitive to shading, stock drop off, smothering and siltation (faeces and pseudofaeces). This activity overlaps 2.1% of this community type.
Oysters (<i>Crassostrea gigas</i>) in bags & trestles	Intertidal	Intensive	Disturbing: Yes Justification: The community type is sensitive to shading, smothering and siltation (faeces and pseudofaeces). This activity overlaps 0.55% this community type.	Disturbing: Yes Justification: The community type is sensitive to shading, smothering and siltation (faeces and pseudofaeces). This activity overlaps 0.53% this community type.	Disturbing: Yes Justification: The community type is sensitive to shading, smothering and siltation (faeces and pseudofaeces). This activity overlaps 0.03% this community type.
Scallops (<i>Pecten maximus</i>) on seabed	Subtidal	Extensive	Disturbing: Yes Justification: It is unlikely that the culture operation will occur over this community type given the difficulty likely to be encountered operating a dredge. However, the activities associated with this culture type are likely to have some impact mainly due to disturbance risks associated with harvest activities (dredging). This activity overlaps 0.11% of this community type.	Disturbing: Yes Justification: It is unlikely that the culture operation will occur over this community type given the difficulty likely to be encountered operating a dredge. However, the activities associated with this culture type are likely to have some impact mainly due to disturbance risks associated with harvest activities (dredging). This activity overlaps 5.46% of this community type.	Disturbing: Yes Justification: It is unlikely that the culture operation will occur over this community type given the difficulty likely to be encountered operating a dredge. However, the activities associated with this culture type are likely to have some impact mainly due to disturbance risks associated with harvest activities (dredging). This activity overlaps 0.19% of this community type.
Salmon (<i>Salmo salar</i>) in net pens	Subtidal	Intensive	-	Disturbing: Yes Justification: The community type is considered tolerant to pressures from activity. The species would be sensitive to the activity by virtue of persistent organic enrichment on the seafloor. This activity overlaps 0.28% of this community type.	Disturbing: Yes Justification: The community type is considered tolerant to pressures from activity. The species would be sensitive to the activity by virtue of persistent organic enrichment on the seafloor. This activity overlaps 0.35% of this community type.
Cumulative Impact Aquaculture			Disturbing: No Justification: the cumulative pressure of likely impacting activities is 0.66% on this community type. (<15% Threshold)	Disturbing: No Justification: the cumulative pressure of likely impacting activities is 8.26% on this community type. (<15% Threshold)	Disturbing: No Justification: the cumulative pressure of likely impacting activities is 2.67% on this community type. (<15% Threshold)

8.4 Assessment of the effects of shellfish production on the Conservation Objectives for Harbour Seal in Kenmare River SAC.

Kenmare River SAC is designated for the Harbour Seal (*Phoca vitulina*). The distribution of the harbour seal and site use within the Kenmare River SAC are provided in Figure 3. The conservation objectives for this species are listed in Table 1 and can be found in detail in NPWS (2013a; 2013b). Recent harbour seal surveys (NPWS 2010, 2011, 2012) show the Kenmare River has maintained its importance on a regional and national scale in terms of Harbour Seal numbers, as indicated in earlier surveys (Cronin *et al.*, 2004; Heardman *et al.*, 2006). While the conservation status of the species is therefore considered favourable at the site, the interactions between harbour seals and the features and aquaculture activities carried out in the SAC must be ascertained.

The interactions between aquaculture operations and aquatic mammal species are a function of:

1. The location and type of structures used in the culture operations - is there a risk of entanglement or physical harm to the animals from the structures or is access to locations restricted?
2. The schedule of operations on the site – is the frequency such that they can cause disturbance to the animals?

The proposed activities must be considered in light of the following attributes and measures for the Harbour Seal:

- Access to suitable habitat – number of artificial barriers
- Disturbance – frequency and level of impact
- Harbour Seal Sites:
 - . Breeding sites
 - . Moulting sites
 - . Resting sites

Restriction to suitable habitats and levels of disturbance are important pressures that must be considered to ensure the maintenance of favourable conservation status of the harbour seal and implies that the seals must be able to move freely within the site and to access locations considered important to the maintenance of a healthy population. They are categorised according to various life history stages (important to the maintenance of the population) during the year. Specifically they are breeding, moulting and resting sites (Figure 3). It is important that the access to these sites is not restricted and that disturbance, when at these sites, is kept to a minimum. The structures used in culture of oysters (bags on trestles) may form a physical barrier to seals when both submerged and exposed on the shoreline such that the access to haul-out locations might be blocked. Activities at sites and during movement to and from culture sites may also result a disturbance events such that the seals may note an activity (head turn), move towards the water or actually flush into the water. While such disturbance events might have been documented, the impact of these disturbances at the population level has not been studied more broadly (National Research Council, 2009).

Intertidal oyster culture using bags and trestles has been conducted within the Kenmare River since the early 1990's. The current level of production, which remains quite small (<30 tonnes) is represented as licenced activities in Figure 4. It is considered that, given the favourable conservation status of Harbour Seals within the SAC represented by stable numbers since 2009 (NPWS 2012) that the current production levels (and activities associated with them) are conducive with favourable conservation status. However, some shellfish culture activities do physically overlap with designated seal sites identified in the SAC. In Coongar Harbour an oyster farm (licensed) and an application site for mussel culture is in very close proximity to a seal moulting site and in Ardroom Harbour a mussel farm (licensed) overlaps a seal site (breeding). In Coonger Harbour, the seal site in question has multiple recordings of seals and therefore, would be considered an important location (Oliver O'Cadhla, NPWS - personal communication). The aquaculture site in question, has structures confined to the northern portion of the site and cannot expand beyond immediate areas based upon the topography of the site. This ensures that the activity will not occur in close proximity to the seal haul-out location. An expansion of intertidal aquaculture activity to areas in the immediate vicinity of the haul out locations would likely increase the risk of disturbance of the seals during the moulting period. The mussel application appears to be an expansion of existing operations it is therefore, likely the seals will be habituated or tolerant of disturbance from this activity.

In Ardroom Harbour a single sighting was recorded at a mussel culture site during 2000 and 2001 (Lyons, 2003) – it is assumed, given the lack of natural structures at the site in question, that seal was hauled out on mussel rafts. The site in question has been licenced (and active) since 1992.

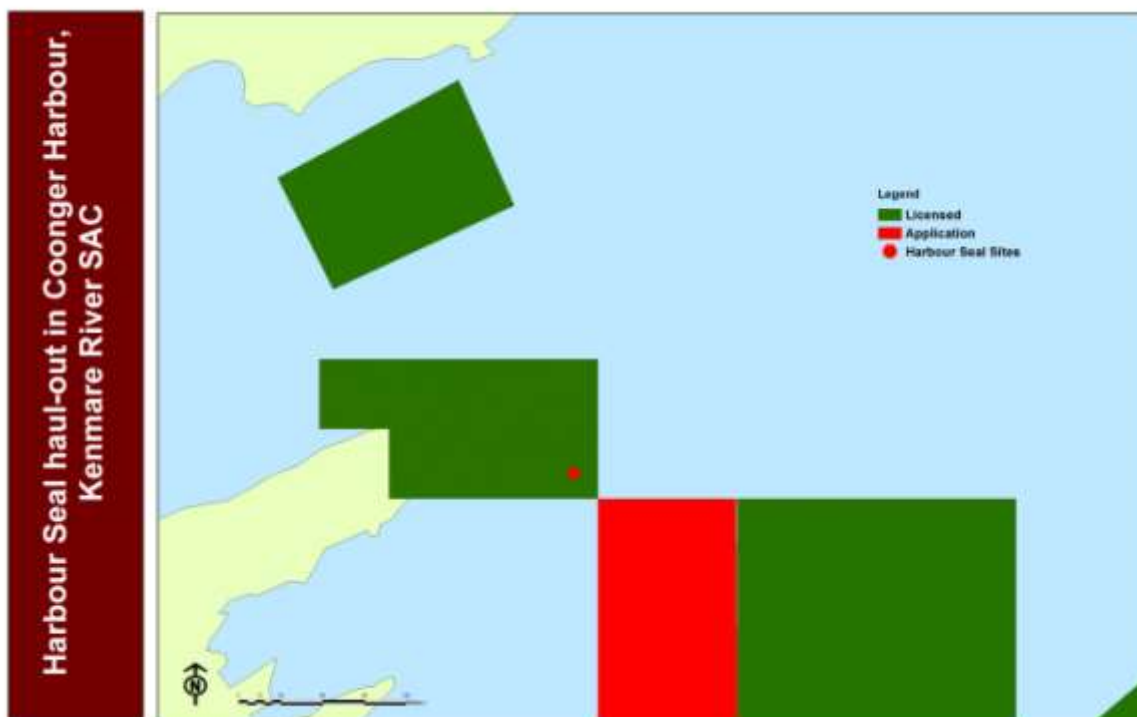
It should be noted that a finfish culture site within Killmakilloge Harbour is in close proximity to designated seal sites (breeding, moulting and haul out). As indicated previously, seal interactions with marine finfish cages have been identified (Aquaculture Stewardship Council, 2012). The risk to seals (as predators) result from their interaction with netting where if incorrectly configured (loose) the risk of drowning due to being entangled is increased. While a risk of entanglement in netting may present, it is not considered likely given that slack netting also presents a risk to culture organism in that it reduces the containment area. In terms of mitigation and in order to minimise risk to seals, the operators should employ a range of management actions including stock management (density control, regular removal of mortalities from cages), use of seal blinds and appropriate net tensioning. These practices are all considered suitable methods to minimise negative interactions between seals and finfish culture (Aquaculture Stewardship Council 2012). The use of Acoustic Deterrent Devices (ADDs) is not considered practical. Lethal actions to remove seals are only allowed under licence, the criteria which are determined by NPWS (Section 42 of the Wildlife Act, 1976 (as amended)).

Notwithstanding this, it would appear that the current level of activity at the sensitive times of the year (breeding and moulting, i.e. May to September) is sufficient to maintain stable seal counts at the site.

Conclusion 1: With one exception, the current levels of licenced shellfish and finfish culture and proposed applications are considered non-disturbing to harbour seal conservation features.

One exceptions to this conclusion is outlined above in Coonger Harbour (refer Figure 8). It is recommended that the boundaries for this intertidal oyster culture site be redrawn to exclude the area overlapping the seal haul-out locations which will mitigate further any disturbance risk to seals.

Figure 12: Aquaculture activity (oyster farm) overlapping Harbour Seal moulting site in Coongar Harbour.



Conclusion 2: Under the conditions described above, finfish culture is not considered disturbing to the Harbour Seal.

8.5 Assessment of the effects of aquaculture production on the Conservation Objectives for Otter and migrating Salmon in Kenmare River SAC.

Otter

As the aquaculture production activities within the SAC spatially overlap with otter (*Lutra lutra*) territory, these activities may have negative effects on the abundance and distribution of populations of the species.

The Kenmare River SAC is designated for the otter (*Lutra lutra*); the conservation objectives for such are listed in Table 1. The risk of negative interactions between aquaculture operations and aquatic mammal species is a function of:

1. The location and type of structures used in the culture operations- is there a risk of entanglement or physical harm to the animals from the structures?
2. The schedule of operations on the site – is the frequency such that they can cause disturbance to the animals?

Shellfish Culture: Shellfish culture operations are likely to be carried out in daylight hours. The interaction with the otter is likely to be minimal given that otter foraging is primarily crepuscular. It is unlikely that these culture types pose a risk to otter populations in the Kenmare River. Impacts can be discounted on the basis of the points below:

The proposed activities will not lead to any modification of the following attributes for otter:

- Extent of terrestrial habitat,
- Extent of marine habitat or
- Extent of freshwater habitat.
- The activity involves net input rather than extraction of fish biomass so that no negative impact on the essential food base (fish biomass) is expected
- The number of couching sites and holts or, therefore, the distribution, will not be directly affected by aquaculture and fisheries activities.
- Shellfish production activities are unlikely to pose any risk to otter populations through entrapment or direct physical injury.
- The structures and activities associated this form of oyster culture structures are raised from the seabed (0.5m -1m) and are oriented in rows, thus allowing free movement through and within the site.
- Disturbance associated with vessel and foot traffic could potentially affect the distribution of otters at the site. However, the level of disturbance is likely to be very low given the likely encounter rates will be low dictated primarily by tidal state and in daylight hours.

Conclusion 3: The current levels of licenced shellfish culture and applications are considered non-disturbing to otter conservation features.

Finfish Culture: The structures (nets) involved in finfish culture may pose an entanglement hazard to otters. However if site conditions as outlined in the seal section above (Section 8.4) are maintained this risk will be greatly mitigated.

Conclusion 4: The current levels of licenced finfish culture and applications are considered non-disturbing to otter conservation features.

Salmon (*Salmo salar*)

The Blackwater River runs into the north shore of Kenmare River SAC and is designated as an SAC for salmon (Blackwater River (Kerry) SAC).

Significant declines in sea survival and reduced returns to the coast and rivers of Atlantic salmon in recent decades have been recorded in Ireland (Salmon Management Task Force Report (Anon., 1996); O'Maoileidigh *et al.*, 2004; Jackson *et al.*, 2011). The reasons for the reduced sea survival remain unclear and speculation has covered such issues as global warming effects (Friedland *et al.*, 2000; Friedland *et al.*, 2005), changes in locations or availability of prey species, loss of post-smolts

as by-catch in pelagic fisheries, increased fishing pressure, riverine habitat changes and sea lice infestation (Finstad et al., 2007; SSCWSS 2013). However, despite many years of study, processes contributing to the high mortality of juvenile Atlantic salmon between ocean entry and the first winter at sea remain poorly understood (Jones, 2009).

The results of a long term study carried out in the Burrishoole system in Co. Mayo (Jackson *et al.*, 2011) show a strong and significant trend in increasing marine mortality of Atlantic salmon originating from the Burrishoole system. They would also point to infestation of outwardly migrating salmon smolts with the salmon louse (*L. salmonis*) as being a minor and irregular component of marine mortality in the stocks studied and not being implicated in the observed decline in overall survival rate. The results of this study have been corroborated by studies carried out by the Marine Institute as part of a detailed investigation into the potential impacts of sea lice on a number of other river systems, including the Newport River (Jackson *et al.*, 2013a).

The Irish State has developed a comprehensive control and management strategy for sea lice infestations on farmed salmonids. This system is underpinned by research dating back to the early 1990s and was the basis for the introduction of the original lice monitoring programme (Jackson and Minchen, 1993). Subsequent research (Jackson *et al.*, 2000; Jackson *et al.*, 2002) informed the development of a set of management protocols published by the Department of Marine in 2000 (Anon., 2000). The full implementation of these protocols resulted in improved sea lice control on farmed salmon (O'Donohoe *et al.*, 2013). There has been a policy of utilising research to ensure that the most up to date and effective treatment and management regimes are in place to control sea lice on Irish farms and this has included research into techniques to assess the most effective treatment regimes (Sevatdal *et al.*, 2005) and the sources of sea lice infestation in the marine environment (Jackson *et al.*, 1997; Copley *et al.*, 2005; Copley *et al.*, 2007).

The monitoring and control system in place is comprehensive, transparent and independent. The Irish management and control system is widely regarded as best international practice because it has low treatment trigger levels, is based on independent inspection regimes, has a robust follow-up on problem areas and Ireland is the only country in the world to publish the results of the independent state run inspection programme in full each year (O'Donohoe *et al.*, 2013). Following the introduction of the “*Strategy for improved pest control on Irish salmon farms*” in 2008 by the Department of Agriculture Fisheries and Food there were significant improvements in sea lice management in Ireland (Jackson, 2011).

The control strategy is aimed at implementing a more strategic approach to lice control at a bay level and targeting efforts on the spring period where there is a potential for impacts on wild smolts embarking on their outward migration. The effectiveness of the system is witnessed by trends in sea lice infestation on farmed fish in the peak period for wild salmon smolt migration having shown a strong downward trend since the introduction of the new management strategy (Jackson *et al.*, 2013). As indicated previously, in relation to **disease interactions**, any risks of disease transfer between cultured finfish and wild fish are mitigated by the management systems currently in place. In summary, Council Directive 2006/88/EC on animal health requirements for aquaculture animals and

products thereof, and on the prevention and control of certain diseases in aquatic animals form the legislative basis that governs the monitoring and management of disease outbreaks in mariculture operations in Ireland. For diseases not listed in this Directive, a Code of Practice and Fish Health Handbook has been developed jointly by the State and industry with the primary objectives of disease prevention and control.

Active veterinary surveillance and intervention has assisted in reducing the prevalence and spread of many pathogens. In addition, the principles outlined in the Fish Health Handbook mentioned above such as improved biosecurity practices on farms, fallowing sites to break transmission cycles, veterinary inspection of fish prior to transfer, single year class stocking, coordinating treatments and harvesting within embayments etc have mitigated the transmission of pathogenic organisms.

Notwithstanding the issues highlighted above, it is concluded that aquaculture production in the Kenmare River SAC does not pose any risk to the following salmon attributes:

- **Distribution (in freshwater)**
- **Fry abundance (freshwater)**
- **Population size of spawners (fish will not be impeded or captured by the proposed activity)**
- **Smolt abundance (out migrating smolts will not be impeded or captured by the proposed activity)**
- **Water quality (freshwater)**

8.6 Assessment of the effects of shellfish production on the Conservation Objectives for Maerl in the Kenmare River SAC.

Maerl dominated community occurs in certain areas (Ardgroom and Killmakilloge Harbours) which are outside of the Qualifying Interests for which the Kenmare River SAC was designated but are still within the SAC boundary. Maerl, the characterising species of this community, is listed as an Annex V species and as it is within the SAC boundary it must be afforded protection.

Aquaculture activity (suspended mussel culture) within Ardgroom harbour spatially overlaps (1.84%) with the Maerl dominated community and may have negative effects on the distribution and quality of this community type (Figure 13). The potential effects of this aquaculture type which are listed in Table 5, include current alteration, increased deposition and shading. Table 8 lists the sensitivities of community types to various pressure types according to ABPMer (2013b). According to ABPMer (2013b) Maerl habitats are restricted to shallow coastal waters by requirements for light penetration hence this species has a high sensitivity to increased turbidity, is sensitive to decrease in water flow speed and organic enrichment of sediments. Based on the findings of the later report the proposed activity (suspended mussel culture) will therefore have an adverse effect on the species for the following reasons:

Maerl is very highly sensitive to the following which may result as a consequence of suspended culture operations:

- Shading (due to structures at the surface and/or in water column)
- Siltation (addition of fine sediments, pseudofaeces).
- Smothering (addition of materials biological or non-biological to the surface).
- Change in water flow due to permanent/semi-permanent structures placed in the water column).
- Change in turbidity/suspended sediment/Increased suspended sediment turbidity.

Conclusion 5: Suspended mussel culture in Ardgroom Harbour is potentially disturbing to Maerl dominated community.

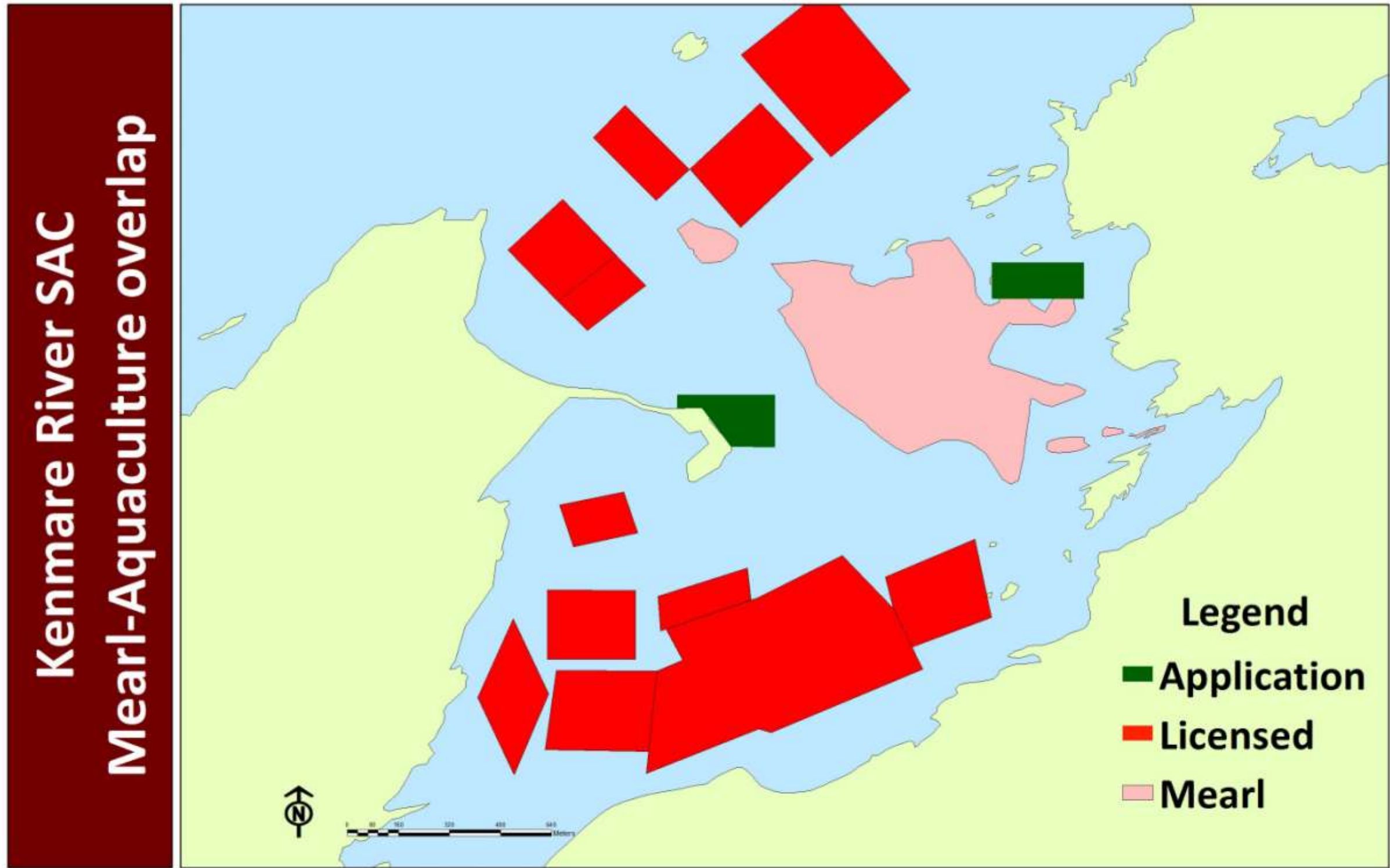


Figure 13. Aquaculture activities overlapping Mearl habitat in Kenmare River SAC.

9. Assessment of Fisheries Activities

9.1. Fisheries:

The risk assessment framework for fisheries follows, where feasible, EC guidance (2012) and includes elements of risk assessment from Fletcher (2002, 2005). The qualitative and semi-quantitative framework is described in Marine Institute (2013) and criteria for risk categorization is shown in Tables 14 and 15 below.

The framework uses categorical conditional probability matrices of likelihood and consequence to assess the risk of an activity to a conservation feature. Categorical likelihood and consequence scores for each such 'incident' (fishery-designated feature interactions) are provided by expert judgment and a base literature resource which has been pre-compiled for each habitat type defined in the COs.

Separate conditional probability matrices for habitats and designated species are used to assess risk. In the case of habitats the consequence criteria largely follow the definitions and methodologies used for AA of projects and plans. In the case of species the consequence categories relate to the degree to which populations and their supporting habitats may be negatively affected by the given activity.

9.1.2. Sensitivity of characterizing species and marine communities to physical disturbance by fishing gears

- The approach and rationale to assessment of the sensitivity of species and habitats to fishing activities and the information used in this assessment is similar to that outlined for aquaculture
- NPWS (2012b) provide lists of species characteristic of the habitats that are defined in the Conservation Objectives. The sensitivity of these species to various types of pressures varies and the species list varies across habitats.
- Pressures due to fishing are mainly physical in nature i.e. the physical contact between the fishing gear and the habitat and fauna in the habitat causes an effect.
- Physical abrasive/disturbing pressures due to fishing activity of each metier maybe classified broadly as causing disturbance at the seabed surface and/or at the sub-surface.
- Fishing pressures on a given habitat is related to vulnerability (spatial overlap or exposure of the habitat to the gear), to gear configuration and action, frequency of fishing and the intensity of the activity. In the case of mobile gears intensity of activity is less relevant than frequency as the first pass of the gear across a given habitat is expected to have the dominant effect (Hiddink *et al.* 2007).
- Sensitivity of a species or habitat to a given pressure is the product of the resilience of the species to the particular pressure and the recovery capacity (rate at which the species can recover if it has been affected by the pressure) of the species. Morphology, life history and biological traits are important determinants of sensitivity of species to pressures from fishing and aquaculture.

- The separate components of sensitivity (resilience, recoverability) are relevant in relation to the persistence of the pressure
 - o For persistent pressures, i.e. fishing activities that occur frequently and throughout the year, recovery capacity may be of little relevance except for species/habitats that may have extremely rapid (days/weeks) recovery capacity or whose populations can reproduce and recruit in balance with population reduction caused by fishing. In all but these cases, and if resilience is moderate or low, then the species may be negatively affected and will exist in a modified state. Such interactions between fisheries and species/habitats represent persistent disturbance. They become significantly disturbing if more than 15% of the community is thus exposed (NPWS 2012b).
 - o In the case of episodic pressures i.e. fishing activities that are seasonal or discrete in time both the resilience and recovery components of sensitivity are relevant. If resilience is low but recovery is high, relative to the frequency of application of the pressure, than the species/community will be in favourable conservation status for a given proportion of time
- The sensitivities of some species, which are characteristic (as listed in the COs) of benthic communities, to physical pressures similar to that caused by fishing gears, are described above.
- In cases where the sensitivity of a characterising species (NPWS 2011b) has not been reported this risk assessment adopts the following guidelines
 - o Resilience of certain taxonomic groups such as emergent sessile epifauna to physical pressures due to all fishing gears is expected to be generally low or moderate because of their form and structure (Roberts *et al.* 2010).
 - o Resilience of benthic infauna (eg bivalves, polychaetes) to surface pressures, caused by pot fisheries for instance, is expected to be generally high as such fisheries do not cause sub-surface disturbance
 - o Resilience of benthic infauna to sub-surface pressures, caused by toothed dredges and to a lesser extent bottom otter trawls using doors, may be high in the case of species with smaller body sizes but lower in large bodied species which have fragile shells or structures. Body size (Bergman and van Santbrink 2000) and fragility are regarded as indicative of resilience to physical abrasion caused by fishing gears
 - o Recovery of species depends on biological traits (Tillin *et al.* 2006) such as reproductive capacity, recruitment rates and generation times. Species with high reproductive capacity, short generation times, high mobility or dispersal capacity may maintain their populations even when faced with persistent pressures but such environments may become dominated by these (r-selected) species. Slow recovery is correlated with slow growth rates, low fecundity, low and/or irregular recruitment, limited dispersal capacity and long generation times

Table 14. Risk categorization for fisheries and designated habitat interactions (see: Marine Institute 2013). Colours indicate risk category. Disturbance is defined as that which leads to a change in characterising species. Such disturbance may be temporary or persistent depending on the frequency of impact and the sensitivity of the receiving environment. Colours indicate the probable need for mitigation of effects from green (no mitigation needed), to yellow (mitigation unlikely to be needed but review on a case by case basis), orange (mitigation probably needed) and red (mitigation required)

Habitats			Consequence criteria					
			Activity is not present or has no contact with habitat	Activity occurs and is in contact with habitat	Up to 15% overlap of fishery and habitat seasonally.	Over 15% overlap of fishery and habitat seasonally.	Over 15% of habitat disturbed persistently leading to cumulative impacts	Impact is effectively permanent due to severe habitat alteration.
No change due to fishing activity can occur			Individual effects on characterising species but this is undetectable relative to background natural variability	Seasonal change in characterising species and community structure and function	Seasonal change in characterising species and structure and function	Persistent change in characterising species, structure and function	Biodiversity reduction associated with impact on key structural species	
						Frequency of disturbance < recovery time. Non-cumulative	Frequency of disturbance > recovery time. Cumulative	No recovery or effectively no recovery
Likelihood	%	Level	0	1	2	3	4	5
Highly likely	>95	5	0	5	10	15	20	25
Probable	50-95	4	0	4	8	12	16	20
Possible	20-50	3	0	3	6	9	12	15
Unlikely	1-20	2	0	2	4	6	8	10
Remote	1	1	0	1	2	3	4	5

Table 15. Risk categorization for fisheries and designated species interactions (Marine Institute 2013)

Species			Consequence criteria					
			Activity is not present and individuals or population cannot be affected	Activity present. Individuals in the population affected but effect not detectable against background natural variability	Direct or indirect mortality or sub-lethal effects caused to individuals by the activity but population remains self-sustaining	In site population depleted by the activity but regularly sub-vented by immigration. No significant pressure on the population from activities outside the site	Population depleted by the activity both in the site and outside of the site. No immigration or reduced immigration	Population depleted and supporting habitat significantly depleted and unable to continue to support the population
Likelihood	%	Level	0	1	2	3	4	5
Highly likely	>95	5	0	5	10	15	20	25
Probable	50-95	4	0	4	8	12	16	20
Possible	20-50	3	0	3	6	9	12	15
Unlikely	1-20	2	0	2	4	6	8	10
Remote	1	1	0	1	2	3	4	5

9.1.3. Spatial overlap of fisheries and qualifying interests

Percentage spatial overlap of fisheries on marine community types within each Qualifying Interest is shown below in Table 16. The footprint of each fishery is the area of the polygon within which the fishery takes place and is an exaggeration of the actual area over which gear is deployed, especially in the case of static gears (Traps, Gill nets, Tangle nets, Trammel Nets). In some cases (Hooks and Lines) there is overlap with the marine community type but no pressure or footprint as the gear is not in contact with the seabed.

Table 16. Spatial overlap of fisheries and marine community types in Kenmare River SAC. There are no fisheries on intertidal mobile sands or on shingle communities. Spatial overlap of demersal and pelagic trawls, as shown by Vessel Monitoring System data, is not quantified and is presented as absent or present. Overlap of multiple fisheries occur on community types making the calculation of cumulative spatial overlap impractical.

QI/SCI	Marine Community Type	Fishing current	Trap - lobster	Trap - crab	Trap - shrimp	Trap - Nephrops	Dredge - scallop	Gill net	Tangle net crayfish	Trammel netting bait	Otter trawl - demersal	Mid-water trawl	Hooks and Lines	Hand gathering winkles
Large shallow inlets and bays [1160]	Intertidal mobile sand community complex	Yes	0	0	0	0	0	0	0	0	0	0	0	0
Large shallow inlets and bays [1160]	Zostera dominated community	Yes	0	0	50	0	0	0	0	0	0	0	0	0
Large shallow inlets and bays [1160]	Co-occurrence Zostera and maerl community complex	Yes	100	100	100	0	0	0	0	100	0	0	0	0
Large shallow inlets and bays [1160]	Maërl-dominated community	Yes	95	95	98	0	0	0	0	95	0	0	0	0
Large shallow inlets and bays [1160]	Pachycerianthus multiplicatus community	Yes	0	0	100	0	0	0	0	0	0	0	0	0
Large shallow inlets and bays [1160]	Muddy fine sands dominated by polychaetes and Amphiuira filiformis community complex	Yes	20	20	17	1	1	1	14	20	1	1	33	0
Large shallow inlets and bays [1160]	Fine to medium sand with crustaceans and polychaetes community complex	Yes	55	55	28	2	9	1	0	55	1	1	0	0
Large shallow inlets and bays [1160]	Coarse sediment dominated by polychaetes community complex	Yes	36	36	7	0	6	1	18	36	1	1	2	0
Large shallow inlets and bays [1160]	Shingle	Yes	0	0	0	0	0	0	0	0	0	0	0	0
Large shallow inlets and bays [1160]	Intertidal reef community complex	Yes	0	0	0	0	0	0	0	0	0	0	0	1
Large shallow inlets and bays [1160]	Laminaria-dominated community	Yes	34	34	30	1	0	1	3	34	1	1	0	0
Large shallow inlets and bays [1160]	Subtidal reef with echinoderms and faunal turf community complex	Yes	30	30	11	0	6	1	12	30	1	1	1	0
Reefs [1170]	Intertidal reef community complex	Yes	0	0	0	0	0	0	0	0	0	0	0	1
Reefs [1170]	Laminaria-dominated community	Yes	38	38	35	1	0	1	2	38	1	1	0	0

Reefs [1170]	Subtidal reef with echinoderms and faunal turf community complex	Yes	37	37	12	0	0	1	12	37	1	1	1
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9.1.3. Risk assessment of the impact of fishing gears on marine benthic communities

- The list of fishing activities (métiers) operating in Kenmare Bay is described above
- The sensitivity of marine communities, which are the subject of the COs to physical disturbance that may be caused by fishing gears is in Table 8.
- The risk assessment framework outlined in Table 14 and Table 15 for habitats and species respectively provides a rationale for assessing and scoring risk posed by fishing activities to the conservation objectives. More detailed explanation is provided in Marine Institute (2013).
- One of the risk assessment criteria for habitats is the % overlap of the activity and each habitat. The overlap of fisheries and marine community types within those habitats is in presented in Table 16.
- Risk scores for effects of individual fisheries on marine community types and species are in Table 17.

9.2 Fisheries Risk profile

9.2.1. Marine Community types

9.2.1.1. Trap fisheries for lobster, crab, shrimp and *Nephrops*

- Trap fisheries may pose a risk to sensitive habitats such as *Zostera* and Maerl due to abrasion and disturbance caused by pots, ropes and anchors. The effect will depend on the intensity and frequency of the activity and the gear configuration in terms of pot spacing, number of anchors used, type of rope etc. Trap fisheries for *Nephrops* will not occur on this ground. Shrimp fisheries may occur on the *Pachycerianthus* community and there is a low risk of impact to this species.
- Trap fisheries may pose some risk to kelp reef communities and to sub-tidal faunal turf reefs depending on the intensity of the potting activity. This risk is likely to be low however against background variability in these communities.
- Pot fisheries pose no risk to sedimentary habitats

9.2.1.1. Dredge fisheries for scallop

- Dredge fisheries for scallop occurs on sub-tidal reef community and may have an impact on this community. There is some uncertainty as to the location of this fishery and its relation to aquaculture applications for bottom culture of scallop
- Dredging for surf clams may occur in sedimentary habitats in Kenmare River (spatial analysis not shown). They are not currently fished, no surveys of their distribution have been undertaken and the site is not a classified production area for this species. The risk posed to sedimentary habitats from a surf clam fishery is low.

9.2.1.2. Set net fisheries

- Gill net, tangle nets and trammel nets are used to capture mixed fish, crayfish and bait respectively
- The extent of trammel netting is unknown and here it is assumed to have the same footprint of the lobster fishery as trammel nets are used primarily to catch bait species for lobster pots. If they are used the associated anchors and footropes may impact *Zostera* and Maerl beds and may have lesser impacts on kelp reefs which are less sensitive to disturbance than *Zoster* or Maerl.
- Tangle nets and gill nets are likely to be used in deeper waters away from kelp reefs or *Zostera* and Maerl beds.

9.2.1.3. Bottom trawl fisheries

- Bottom trawling in Kenmare Bay occurs mainly in the outer part of the site in the muddy fine sand community complex. Fishing in the eastern part of the site by vessels >15m is close to zero. It also occurs on medium fine sand. Annual VMS effort for vessels >15m, between 2006-2012 in the site was approximately 350 hrs. The distribution of VMS points indicates that over 15% of the muddy fine sand community is fished. Fishing occurs in all months of the year
- Muddy fine sand communities, particularly suspension feeders and crustaceans, are sensitive to fishing pressure from trawls but this depends on intensity of the fishing pressure. The community is not sensitive to low levels of trawling (a single pass for instance). Recovery time is prolonged compared to coarser substrates due to the fact that such habitats are mediated by a combination of biological, chemical and physical processes compared to coarse substrates which are dominated by physical processes (ABPMer 2013. Muddy sands. Appendix F,). Recovery times from impacts may take years.
- The intensity of trawling by vessels over 15m in length in outer Kenmare River could be classed as medium (using scales provided by the Beaumaris approach to sensitivity assessment, ABPMer 2012. Muddy sands. Appendix F, p. 71) and some of the habitat probably experiences more than a single pass of the gear per annum. Activity by vessels under 15m is unquantified. The community therefore may be impacted. Impact would increase if fishing effort escalated.
- In Kenmare the anthozoan *Virgularia mirabilis* occurs in the muddy fine sand community but is unlikely to be affected by trawling as it occurs in the inner Bay.

9.2.1.3. Mid-water trawl fisheries and hook and line fisheries

- These fisheries are not expected to impact marine habitats in Kenmare Bay

9.2.1.3. Hand gathering of periwinkles

- Hand gathering of periwinkles occurs on intertidal reef communities. There is a low risk of impact in such communities due to trampling pressure. However, although the intensity of the activity is unknown it is unlikely to be such that significant effects would occur.

Table 17. Risk assessment for fisheries-marine community type interactions in Kenmare River SAC.

QI/SCI	Marine Community Type	Trap - lobster	Trap - crab	Trap - shrimp	Trap - Nephrops	Dredge - scallop	Gill net	Tangle net crayfish	Trammel netting bait	Otter trawl - demersal	Mid-water trawl	Hand gathering winkles	Hooks and Lines
Large shallow inlets and bays [1160]	Co-occurrence Zostera and maerl community complex	16	16	16					16				
Large shallow inlets and bays [1160]	Zostera dominated community			12									
Large shallow inlets and bays [1160]	Maërl-dominated community	16	16	16					16				
Large shallow inlets and bays [1160]	Pachycerianthus multiplicatus community			9									
Large shallow inlets and bays [1160]	Muddy fine sands dominated by polychaetes and Amphiuira filiformis community complex	4	4	4	4		4	4	4	12	4		2
Large shallow inlets and bays [1160]	Fine to medium sand with crustaceans and polychaetes community complex	4	4	4	4		4		4	12	4		
Large shallow inlets and bays [1160]	Coarse sediment dominated by polychaetes community complex	4	4	4			4	4	4	12	4		2
Large shallow inlets and bays [1160]	Intertidal reef community complex											6	
Large shallow inlets and bays [1160]	Laminaria-dominated community	9	9	9	9		4	4	9	4	4		
Large shallow inlets and bays [1160]	Subtidal reef with echinoderms and faunal turf community complex	9	9	9		8	4	4	9	4	4		2
Reefs [1170]	Laminaria-dominated community	9	9	9	9		4	4	9	4	4		
Reefs [1170]	Subtidal reef with echinoderms and faunal turf community complex	9	9	9			4	4	9	4	4		2
Large shallow inlets and bays [1160]	Intertidal reef community complex											6	

9.2.2. Species

9.2.2.1. Harbour Seal

- Harbour seals haul out in sheltered waters, typically on sandbanks and in estuaries, but also in rocky areas and may swim upstream into freshwater. They undertake smaller scale foraging movements (30km from the haul out site) and migrations than grey seal. Pups remain in their natal area after weaning (Wilson *et al.* 2003, Cronin *et al.* 2008). Space use maps for Harbour seals tagged in Kenmare River shows very limited movement outside of Kenmare River SAC (Figure 14).

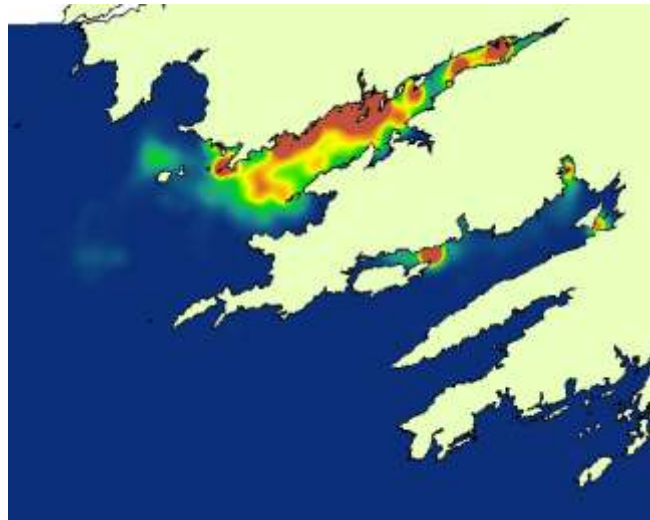


Figure 14. Space use maps for tagged Harbour seals in Kenmare river (source: Cronin *et al.* 2008)

- Number of Harbour seals in Kenmare River declined slightly from 413 to 390 between Census counts in 2003 and 2011
- Tangle nets are used at the mouth of Kenmare River within the foraging range of seals at the site.
- Gill net use is reported by vessels over 15m in Kenmare River within the foraging range of seals from Kenmare River
- Pelagic trawling for sprat (with herring by-catch) occurs in Kenmare River and east to the upper reaches of the Bay.
- Demersal trawling occurs in outer Kenmare River but within the Kenmare River SAC.
- Potting for shrimp occurs in inner Kenmare river while lobster and crab potting, with the possible use of trammel nets for bait, occurs along the south and north shores of the outer Bay.
- By-catch risk is highest for gill net fishing and pelagic fishing in inner Kenmare River. There may be a by-catch in trammel nets. The pelagic fishery for sprat and pot fisheries may cause disturbance at haul out locations which are mainly in the inner Bay on north and south shores.

Cumulative risk posed by fisheries may result in sub-lethal and lethal effects on individual seals but the risk to the population may be relatively low. However, total annual by-catch of Harbour Seal in Kenmare River is unknown.

- Risk of by catch, prey depletion and disturbance does not exceed a value of 6 and is considered to be low.

9.2.2.1. Otter

- Otter (*Lutra lutra*) is listed in Annex II of the Habitats Directive. Otter is common throughout freshwater systems in Ireland and also occurs in coastal marine habitats.
- There is a low risk of capture of otters in lobster pots and trammel nets set in shallow water (<5m). Such mortality has been documented elsewhere.
- Because of the intensity of pot fishing, unknown levels of associated use of trammel nets and documented accounts of mortality of otter in parlour creels in particular there is some likelihood of capture of individual otters. As creels and trammels are unlikely to be deployed within the preferred dive range of otters in the Irish lobster fishery the likelihood of capture is thought to be unlikely

10. In-combination effects of aquaculture, fisheries and other activities

Given the uncertainty in relation to scallop fishing the assessment of in-combination effects of this activity and scallop culture (which is in-effect a type of fishery activity) are difficult to estimate. It is likely that the 'wild' fishery activities will not occur in the aquaculture plots if they are actively maintained. Conservative estimates of percentage overlap of wild-fishery activities on Marine Community Types are provided in Table 16. Notwithstanding the difficulty estimating the extent of fishery activities, the likely in-combination of potentially disturbing fishery (Table 16) and aquaculture activities on Marine Community types (Tables 12, 13) do not exceed the 15% threshold identified in guidance documents (NPWS 2013b).

Those fishery activities that overlap with sensitive community types or represent a risk identified in Table 17 should be subject to mitigation measures the extent of which are beyond the scope of this report. Other fishery activities have little or no overlap with aquaculture activities and are subject to separate management actions.

Other activities leading to potential impacts on conservation features relate to harvest of seaweed on intertidal reef communities. There is little known concerning the level of harvest from these intertidal reef communities. The impact is likely two-fold, direct impact upon the reefs by removal of a constituent species and impact upon intertidal sediments as a consequence of travel across the shore to the harvest sites. The likely overlap between these activities and intertidal shellfish culture is considered small as the (reef) habitat is not considered suitable for shellfish culture and low levels of this culture method overlaps this habitat. Seaweed harvesting requires a foreshore licence

administered by the Department of Environment, Community and Local Government. The level of transport across the intertidal area is unknown, but it is presumed that the routes are well defined.

Seal watching cruises are conducted in Kenmare. The extent of these activities are confined to the inner portions of Kenmare River SAC and do not overlap with the aquaculture operations. It is assumed that these activities are subject to a separate AA process?

There are a number of activities which are terrestrial in origin that might result in impacts on the conservation features of the Kenmare River SAC. Primary among these are point source discharges from municipal and industrial units (Shellfish Pollution Reduction Programme, DECLG). There are five urban waste water treatment plants in the general vicinity of the SAC. These are found in Ardroom, Kenmare, Sneem, Kilgarvan, Eyeries. The pressure derived from these facilities is a discharge that may impact upon levels of dissolved nutrients, suspended solids and some elemental components e.g. aluminium in the case of water treatment facilities. It should be noted that the pressures resulting from fisheries and aquaculture activities are primarily morphological in nature. It was, therefore, concluded that given the pressure resulting from say, a point discharge location (e.g. urban wastewater treatment plant or combined sewer overflow) would likely impact on physico-chemical parameters in the water column, any in-combination effects with aquaculture or fisheries activities are considered to be minimal or negligible.

No other activities resulting in morphological and/or disturbance pressures were identified or could be quantified.

11. SAC Aquaculture Appropriate Assessment Concluding Statement and Recommendations

In the Kenmare River SAC there are a range of aquaculture activities currently being carried out or proposed. Based upon this and the information provided in the aquaculture profiling (Section 5), the likely interaction between this aquaculture and conservation features (habitats and species) of the site were considered.

An initial screening exercise resulted in a number of habitat features and species being excluded from further consideration by virtue of the fact that no spatial overlap of the culture activities was expected to occur. The habitats and species excluded from further consideration were 1014 Marsh Snail *Vertigo angustior*, 1220 Perennial vegetation of stony banks, 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts, 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritima*), 1410 Mediterranean salt meadows (*Juncetalia maritimi*), 2120 Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes"), 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes), 4030 European dry heaths and 6130 Calaminarian grasslands of the *Violetalia calaminariae* and Submerged or partially submerged sea caves (8330).

9.1 Habitats

A full assessment was carried out on the likely interactions between aquaculture operations (as proposed) and the Annex 1 habitats 1160 (Large Shallow Inlets and Bay), and 1170 (Reefs). The likely effects of the aquaculture activities (Species, structures) were considered in light of the sensitivity of the constituent community types and species of the Annex 1 habitats.

Conclusion and Recommendation - Aquaculture Activities: Of the 11 community types listed under the remaining habitat features (1160 and 1170) two (Intertidal mobile sand community complex and Shingle) were also excluded from further analysis as they had no overlap with aquaculture activities.

Based upon the scale of spatial overlap and the relatively high tolerance levels of the habitats and species therein, the general conclusions relating to the interaction between current and proposed aquaculture activities with habitats is that consideration can be given to licencing (existing and applications) in the Annex 1 habitats – 1160 (Large Shallow Inlets and Bays and 1170 (Reefs) with the exception of activities overlapping the following community types:

1. **Zostera-dominated community-** This habitat is not tolerant of any overlap of any activity. The cumulative pressure of likely impacting activities on this habitat is 20.55%.
2. **Maerl-dominated community** - This habitat is not tolerant of any overlap of any activity. The cumulative pressure of likely impacting activities on this habitat is significant at 27.89%.
3. ***Pachycerianthus multiplicatus* community** - The cumulative pressure of likely impacting activities on this habitat is significant at 100%.

It is important to note that licenced areas impacted by aquaculture that might be redrawn to exclude any overlap with sensitive habitats should include a sufficient buffer zone to allow for mapping resolution and/or visual enforcement of exclusion. Furthermore, there is still the risk that wild fishery interests might still dredge for scallop in these areas; therefore, it is recommended that some understanding should be arrived at between aquaculture management and fishery management interests in relation to these areas.

Also, it might be worth discussing whether the scallop culture activities as described (i.e., with harvest by dredging) can be considered an ‘aquaculture’ activity as distinct from a wild fishery, given that seeding is questionable and that ‘culture’ areas are very large.

Finally, the likely interaction between the proposed aquaculture activities and the Annex V species Maerl was assessed in areas where the maerl habitat did not fall under the Qualifying Interests but was still within the SAC boundary. It is **also concluded** that the aquaculture activity (suspended mussel culture) in Ardroom Harbour is disturbing to this community type.

9.2 Species

The likely interactions between the proposed aquaculture activities and the Annex II Species Harbour Seal (*Phoca vitulina*) and Otter (*Lutra lutra*) were also assessed. The objectives for these species in

the SAC focus upon maintaining the good conservation status of the population and consider certain uses of intertidal habitats as important indicators of status. The aspect of the culture activities that could potentially disturb the Harbour seal status relates to movement of people and vehicles within the sites as well as accessing the sites over intertidal areas and via water.

Conclusion and Recommendation: It is acknowledged in this assessment that the favourable conservation status of the Harbour seal (*Phoca vitulina*) has been achieved given current levels of aquaculture production within the SAC. On this basis, the current levels of licenced aquaculture (existing and renewals) are considered non-disturbing to harbour seal conservation features. However, there is one exception:

- Aquaculture activity (oyster farm) overlaps a Harbour Seal moulting site in Coongar Harbour and is recommended that the site boundaries be redrawn to exclude the overlap of harbour seal haul-out site.

In relation to new applications, given the lack of spatial overlap or the fact that applications which are adjacent to haul-out sites represent expansion of existing activities (and tolerance or acclimatisation has occurred) it is considered that the aquaculture activities proposed (applications) do not pose a threat to the harbour seal in the Kenmare River SAC.

The current levels of licenced aquaculture operations and applications are considered non-disturbing to Otter (*Lutra lutra*) conservation features.

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T06/106

AQUACULTURE LICENCE

AQUACULTURE MARINE
SHELLFISH LONGLINES

Shamrock Shellfish Ltd
Killowen House
Kenmare
Co. Kerry

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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”), hereby grants an Aquaculture Licence to:

Shamrock Shellfish Ltd
Killowen House
Kenmare
Co. Kerry

(hereinafter referred to as the “Licensee”) for the cultivation of mussels on a site in Kilmakilloge Harbour, Kenmare Bay, Co. Kerry, as specified in Schedule 1 attached (numbered T06/106) and indicated by a red line on the attached map in accordance with the plans and drawing(s) in Schedule 2 attached 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 ten (10) years commencing on **XX XXXXXXXXXXXX 20XX**, provided for so long as the Foreshore Licence granted on **XX XXXXXXXXXXXX 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 (5.5036 hectares) (labelled T06/106) 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: Longlines 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, except in the case of rope mussel farming where a natural mussel spat collection system is being applied.

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 however arising in connection with the construction, maintenance or use of any structures, apparatus, equipment 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 the equipment (including all flotation, mooring and anchoring devices) 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 Minister may direct as to the deployment of apparatus, including number or orientation of longlines and flotation devices and their colour, within the site.
- 3.5. The Licensee shall obtain the prior approval of the Minister to any proposed material change to the plan/drawings or equipment as approved being used during the licensing period as specified in *Schedule 2* attached.

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

Operational Conduct

- 3.8. 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.
- 3.9. 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 has been designated in so far as such a disturbance may be significant in relation to the stated conservation objectives of the site concerned.
- 3.10. The Licensee shall ensure that best practice is employed to keep structures and netting clean at all times and any biofouling by alien invasive species shall be removed and disposed of in a responsible manner. In particular, in 'Natura 2000' sites care must be taken to ensure that any biofouling by alien invasive species will not pose a risk to the conservation features of the site. Measures to be undertaken are set out in the draft Marine Code of Practice prepared by Invasive Species Ireland and can be found on the web site at: <http://invasivespeciesireland.com/>.

Waste Management

- 3.11. The Licensee shall ensure that the licensed and adjoining areas shall be kept clear of all redundant structures (including apparatus, equipment and/or uncontained stock), 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

- 3.12. 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 of 1959) (as amended by the Fisheries Act 1980) (No. 1 of 1980), a Sea Fisheries Protection Officer (within the meaning of the 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.

- 3.13. The Licensee shall give all reasonable assistance to an authorised officer or a 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.
- 3.14. 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.
- 3.15. 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 statutory sanction from the Commissioners of Irish Lights is in place prior to the commencement of operations, regarding all aids to navigation. Statutory Sanction forms are available at <http://www.cil.ie/safety-navigation/statutory-sanction.aspx>.
- 4.2. The Licensee shall ensure that the site is marked in accordance with the requirements of both the Marine Survey Office and the Commissioners of Irish Lights as specified in *Schedule 3*.
- 4.3. The Licensee shall comply with any specification requirement relating to navigational aids, flotation and mooring devices, supporting/marketing posts/poles, as required by the Minister or any other competent State authority.
- 4.4. 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.
- 4.5. 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 1823337900 Fax: 00 44 1823 284077 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 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 regulations in force governing the movement of fish.

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

Duration, Cessation

7.1. This Licence shall remain in force until **XX XXXXXXXXX, 20XX** and 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 condition set out in 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 an act of an 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 Minister 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

1 NO. SITE AT KILMAKILLOGUE HARBOUR CO.KERRY

Co-ordinates & Area

Site T06/106 (5.5036 Ha)

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

074445, 059437 to Irish National Grid Reference point

074725, 059382 to Irish National Grid Reference point

074725, 059201 to Irish National Grid Reference point

074445, 059225 to the first mentioned point.



74000

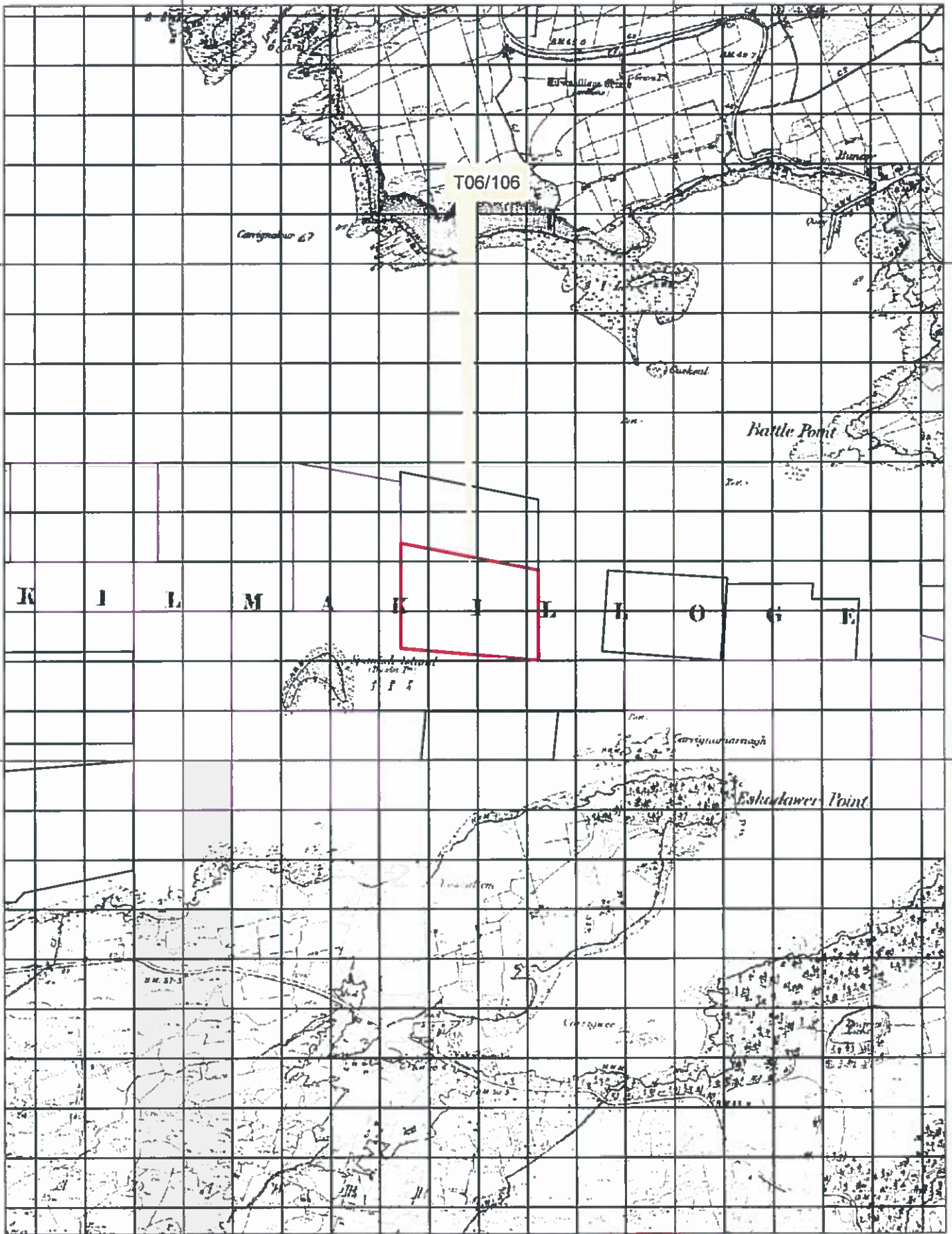
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74000

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Aqua Cult Sites

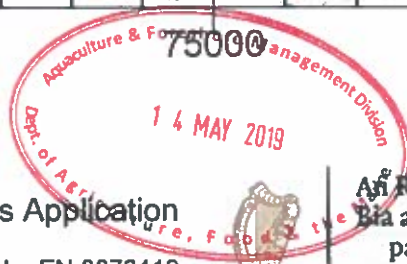
Site_Status

- Under Appeal
- Application
- Licensed
- Revoked
- Surrendered
- Withdrawn
- All other values

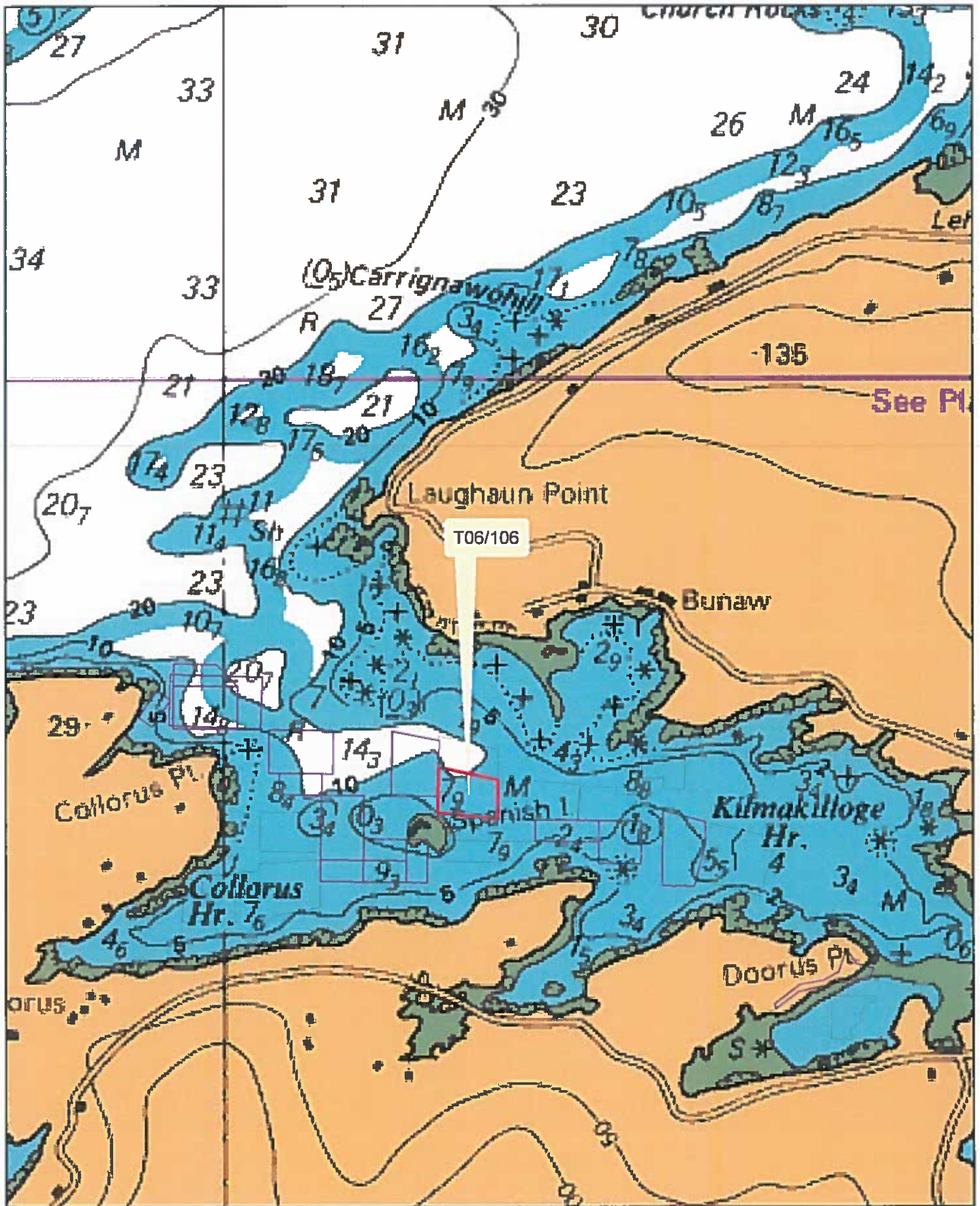
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Sites highlighted in red denotes Application

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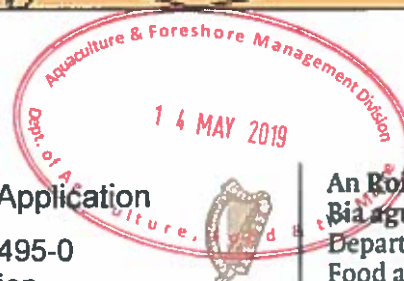


- Aqua Culture Sites**
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- Site_Status**
- Under Appeal
 - Application
 - Lapsed
 - Licensed
 - Refused
 - Revoked
 - Surrendered

1:24,000

Sites highlighted in red denotes Application

Part of Admiralty Chart No =2495-0
Not to be used for Navigation



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Bia agus Mara
Department of Agriculture,
Food and the Marine

SCHEDULE 2

Schedule 2 contains:

- **the approved plans and drawing(s)**

DRAFT



Legend

Reconfigured Sites Kilmakilloge



Reconfigured Boundary

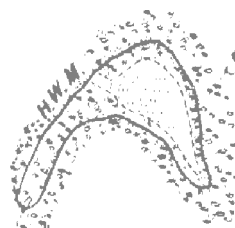


Proposed Longline

Post.

T06/106
5.5 Ha

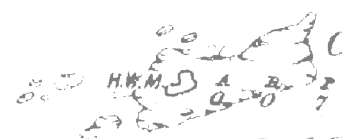
M A K I L L



Spanish Island
(*Diosisist Pth*)

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Post.



H.W.M.

Roscullem

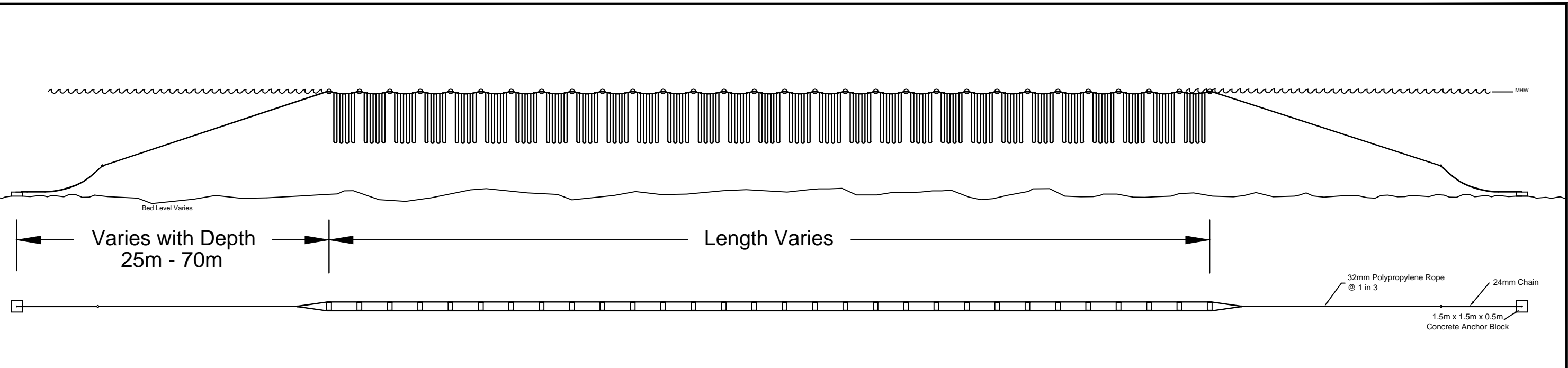
Ordnance Survey Ireland Licence No. EN 0076418
© Ordnance Survey Ireland/Government of Ireland

Note: Access via Bunaw (Kilmakilloge) Pier

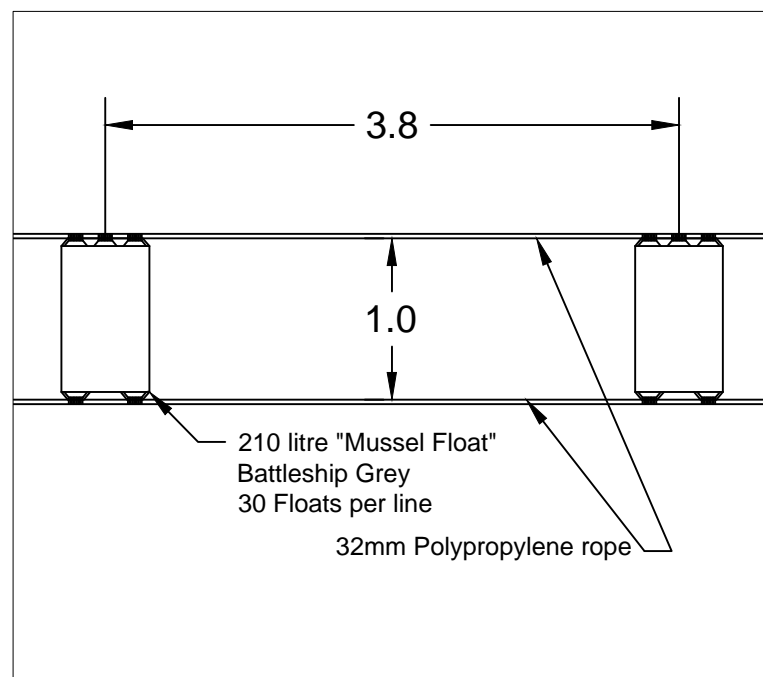
Prepared by: R Scanlon, DAFM
Date: 31/01/2019
Rev: A

Scale (@A4): 1:5,000

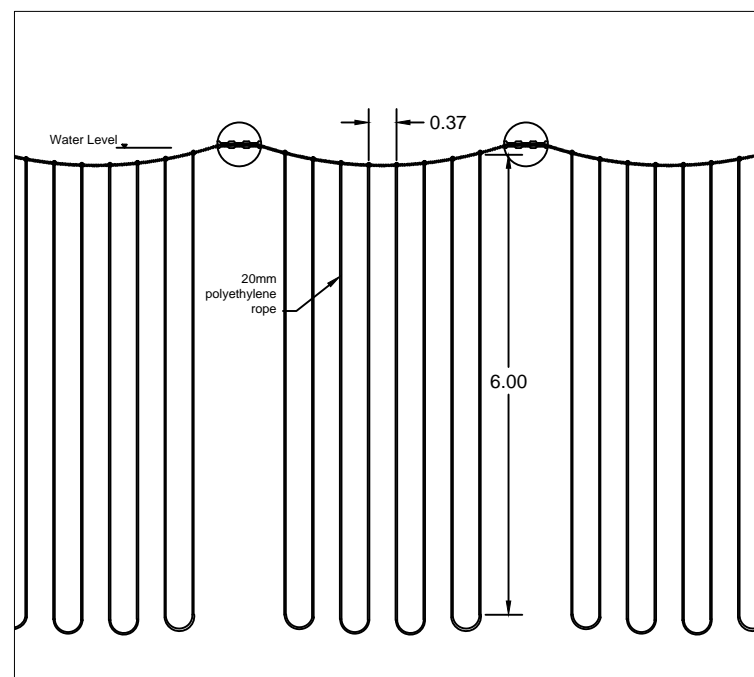
Aquaculture Site Ref. T06/106
Site Location & Farm Layout



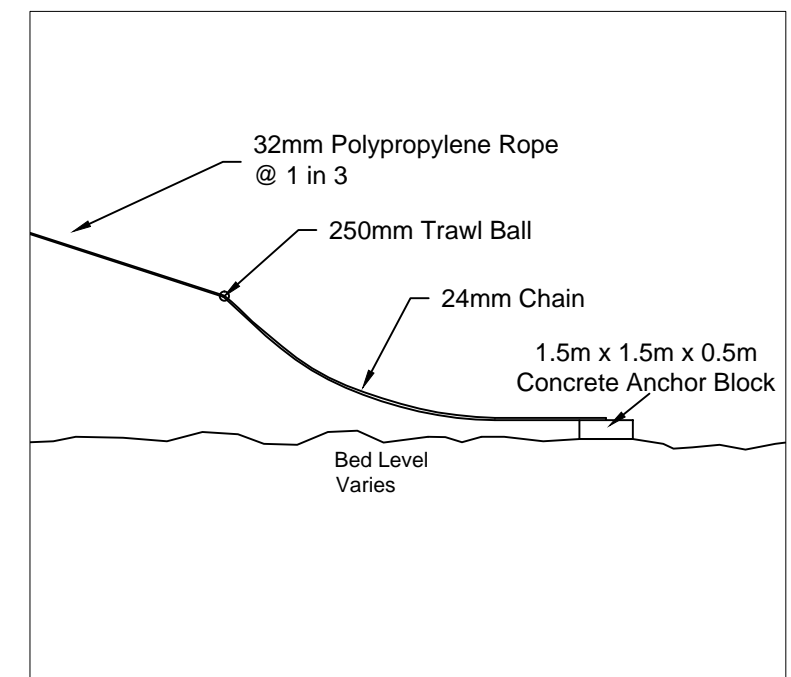
Typical Longline Section & Plan Detail
Scale 1:500



Typical Float & Rope Plan Detail
Scale 1:50



Typical Float & Rope Section Detail
Scale 1:100



Typical Anchorage Section Detail
Scale 1:200

Notes:

The anchorage details shown are indicative only.

Project	Aquaculture Drawings Mytilus Edulis				
Title	Inshore Mussel Farm Longline Layout Double Headrope Longline				
Scale	As Shown @ A3		Drg. No.	-	
Drawn	Jan 2019		Rev.		
Checked					
Rev.	Date	Description	by	ch'd	app

SCHEDULE 3

Schedule 3 contains:

- **requirements of the MSO and/or CIL**
-
- The Licensee is required to participate in the Group Marking Scheme for this area.
- The Administrator of the Group Marking Scheme must secure Statutory Sanction from the Commissioners of Irish Lights for the aids to navigation.

DRAFT

SCHEDULE 4

Schedule 4 contains:

- **specific conditions applicable to this licence.**
 - **The stocking and/or equipment deployment conditions**
 - The Licensee will be allowed a period of two years subsequent to licensing to reposition the relevant longlines within the reconfigured site as per the farm layout drawing.
 - The Licensee is to provide confirmation from a competent Chartered Engineer that longlines are positioned in accordance with the approved drawings and that all structures associated with the licensed activity are located within the overall licensed area for aquaculture activity in Kilmakilloge Harbour.
 - The flotation barrels should be battleship grey in colour.
 - Each mussel longline will not be longer than 220 metres in length.
 - A maximum of 10 No. mussel longlines will be permitted within the site.
 - Source of Seed must be approved by the Department of Agriculture, Food and the Marine.
 - No non-native species to be used.
 - Prior to the commencement of any aquaculture activity on this site, the applicant is required to prepare a Contingency Plan, for the approval of the Department of Agriculture, Food and The Marine, which should identify, inter alia, methods for the removal from the environment of any invasive non-native species introduced as a result of operation at this site. If such an event occurs, the contingency plan shall be implemented immediately.
 - Site access is from Bunaw Pier.



T06/106

FORESHORE LICENCE

**Shamrock Shellfish Ltd
Killowen House
Kenmare
Co. Kerry**

TABLE OF CONTENTS

TERMS AND CONDITIONS APPLICABLE TO FORESHORE LICENCE

SEAL OF OFFICE AND SIGNATURES

SCHEDULE 1

DRAFT

FORESHORE LICENCE IN RESPECT OF A SITE
(NUMBERED T06/106 IN KILMAKILLOGE HARBOUR, KENMARE BAY,
CO. KERRY

AGREEMENT made on the **XX XXXXXXXX 20XX**, between the Minister for Agriculture, Food and the Marine (hereinafter referred to as the “Minister” which expression shall include his Successors or Assigns where the contract so requires or admits), of the one part, and

Shamrock Shellfish Ltd
Killowen House
Kenmare
Co. Kerry

(hereinafter referred to as the “Licensee”) of the other part, whereby the Minister, in exercise of the powers conferred on him by Section 3 of the Foreshore Act, 1933 (No.12 of 1933) hereby grants to the Licensee licence to use and occupy that part of the foreshore in Kilmakilloge Harbour, Kenmare Bay, Co. Kerry, (numbered T06/106) detailed in the attached schedule and more particularly delineated on the map annexed hereto and thereon coloured red for the purpose of the cultivation set out in Aquaculture Licence Number **XXX** on the terms and conditions set out in the attached pages.

This Foreshore Licence shall remain in force for a maximum period of ten (10) years commencing on **XX XXXXXXXXXX 20XX**, provided for so long as the Aquaculture Licence Number **XXX** granted on **XX XXXXXXXX 20XX** under the Fisheries (Amendment) Act 1997 (No. 23 of 1997) in respect of the same site for the purpose referred to is in force.

TERMS AND CONDITIONS APPLICABLE TO FORESHORE LICENCE

1. The Licensee shall pay to the Minister the annual sum of €63.49 (sixty three euro and forty nine cent), such payment to be made on the **XX** day of **XXXXXXXXXX** in every year during the continuance of this Licence, the first of such payments to be made on the signing hereof.
2. The Licensee shall use that part of the foreshore, the subject matter of this Licence, for the cultivation set out in Aquaculture Licence Number **XXX** only and for no other purpose whatsoever.
3. The Licensee shall comply fully with all terms and conditions of Aquaculture Licence Number **XXX**.
4. 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 however arising in connection with the construction, maintenance or use of any structures, apparatus, equipment 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.
5. The duty of maintenance and responsibility for the upkeep and safety of the site rests with the Licensee.
6. The Minister shall be at liberty at any time to terminate this Licence by giving to the Licensee three months notice in writing ending on any day, and upon determination of such notice, the Licence and permission granted shall be deemed to be revoked and withdrawn without the liability for the payment of any compensation by the Minister to the Licensee.
7. 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.
8. The Licensee shall not carry out any operations authorised by the Licence in the licensed area in such a manner as to interfere unreasonably with fishing or navigation in the vicinity of the licensed area and shall comply with any direction given to the Licensee in that regard by the Minister.
9. In the event of the breach, non-performance or non-observance by the Licensee of any of the conditions herein contained, the Minister may forthwith terminate this Licence without prior notice to the Licensee.

AND IT IS HEREBY CERTIFIED THAT:

1. For the purpose of the stamping of this Instrument that this is an Instrument to which the provisions of Section 53 of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999), do not apply for the reason that the entire of the property involved comprises Foreshore and contains no Buildings.
2. The Family Law Acts of 1976, 1981, 1989, 1995 and the Family Law (Divorce) Act 1996 do not affect the Property.

SEAL OF OFFICE AND SIGNATURES

PRESENT when the Seal of Office of the MINISTER FOR AGRICULTURE, FOOD AND THE MARINE was affixed and was authenticated by the Signature of:

WITNESS: _____

ADDRESS: _____

OCCUPATION: CIVIL SERVANT

SIGNED on behalf of Licensee

in the presence of:

WITNESS: _____

ADDRESS: _____

OCCUPATION: _____

A person so authorised under Section 15(1) of the Ministers and Secretaries Act, 1924 to authenticate the seal of the Minister.

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

1 NO. SITE AT KILMAKILLOGUE HARBOUR CO.KERRY

Co-ordinates & Area

Site T06/106 (5.5036 Ha)

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

074445, 059437 to Irish National Grid Reference point

074725, 059382 to Irish National Grid Reference point

074725, 059201 to Irish National Grid Reference point

074445, 059225 to the first mentioned point.



74000

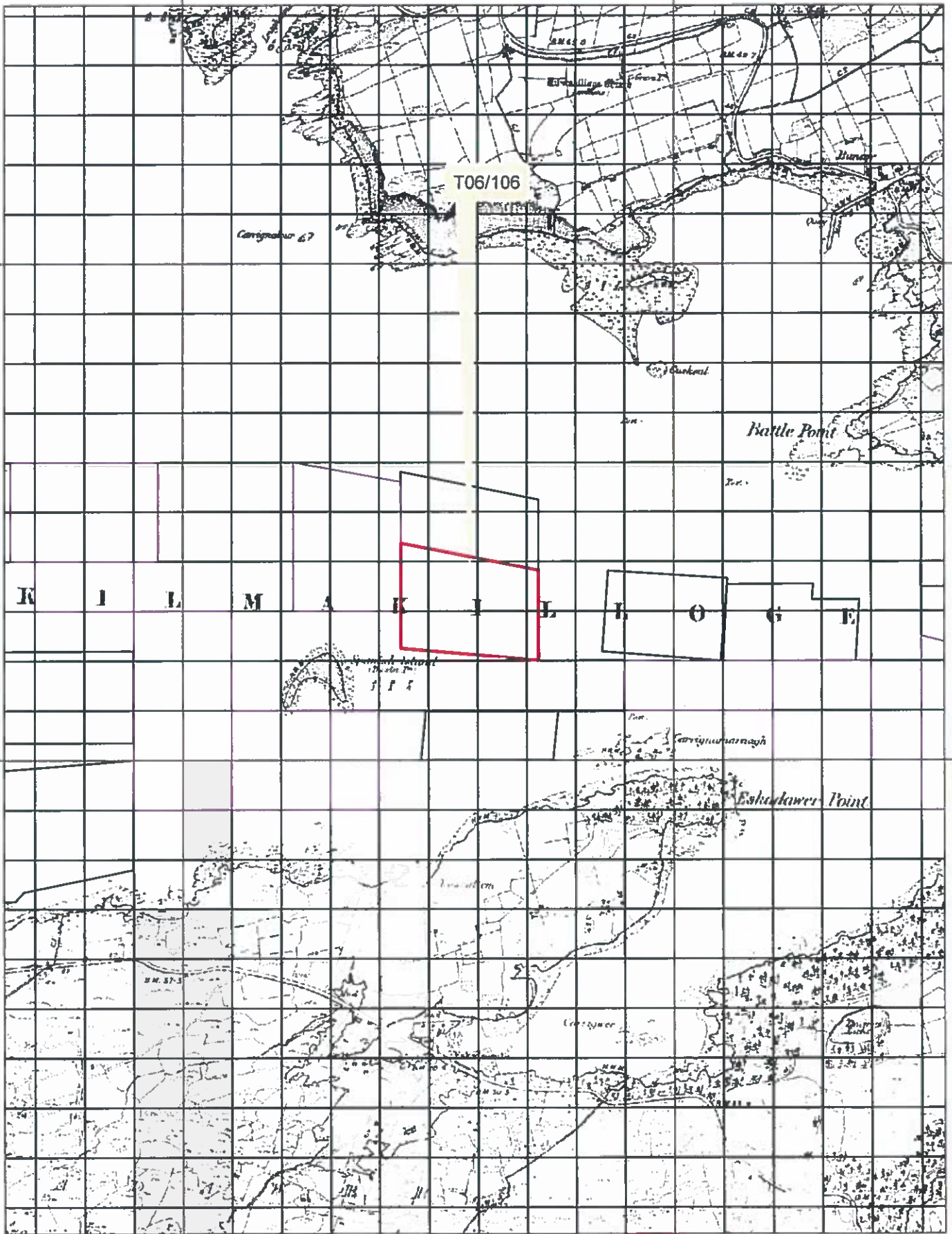
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Aqua Cult Sites

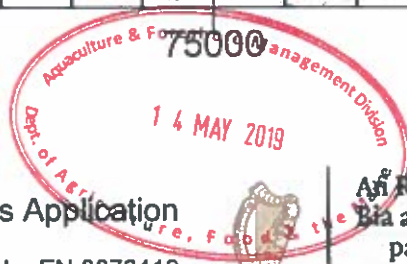
Site_Status

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- Application
- Licensed
- Revoked
- Surrendered
- Withdrawn
- All other values

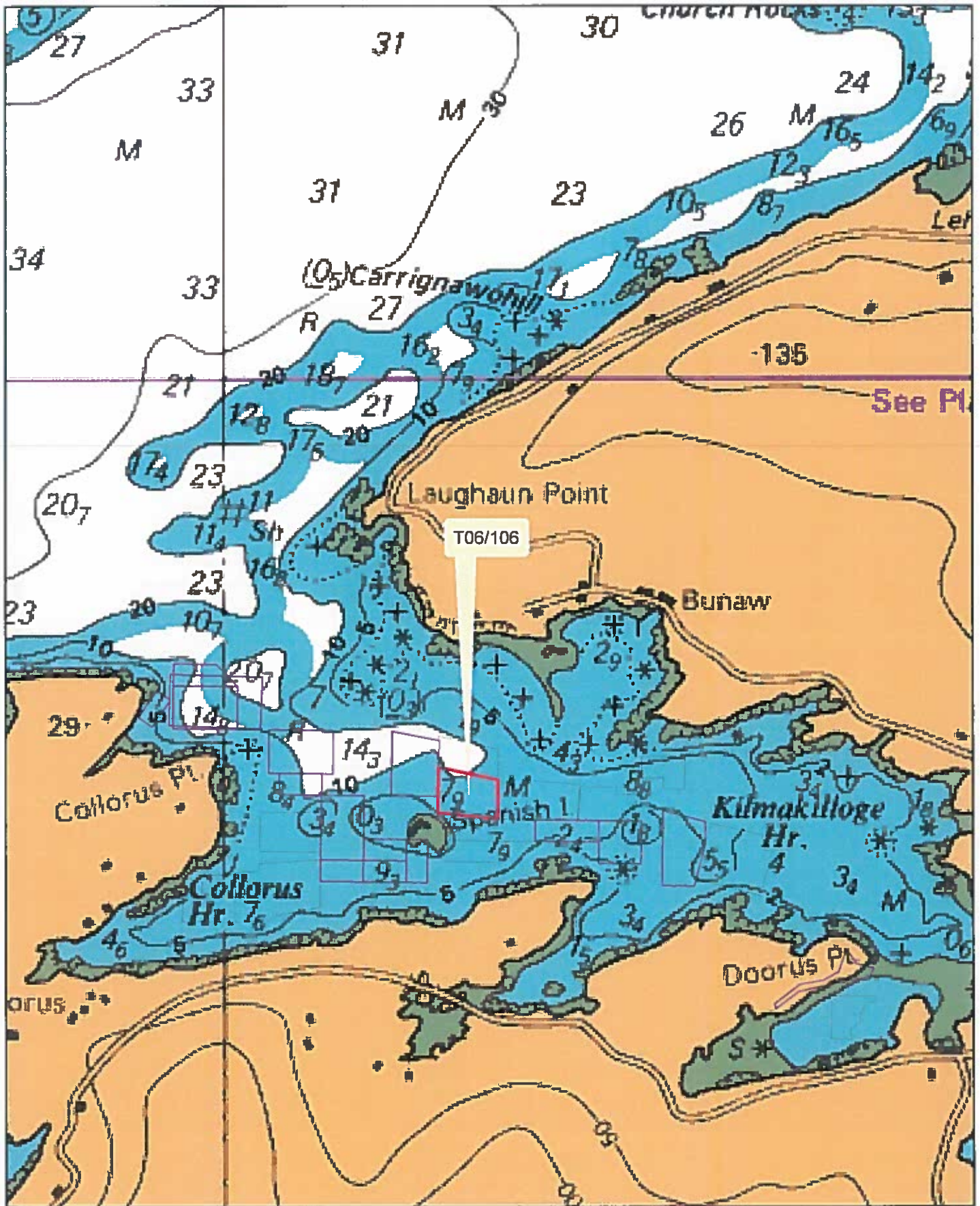
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Sites highlighted in red denotes Application

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- Aqua Culture Sites**
<all other values>
- Site_Status**
- Under Appeal
 - Application
 - Lapsed
 - Licensed
 - Refused
 - Revoked
 - Surrendered

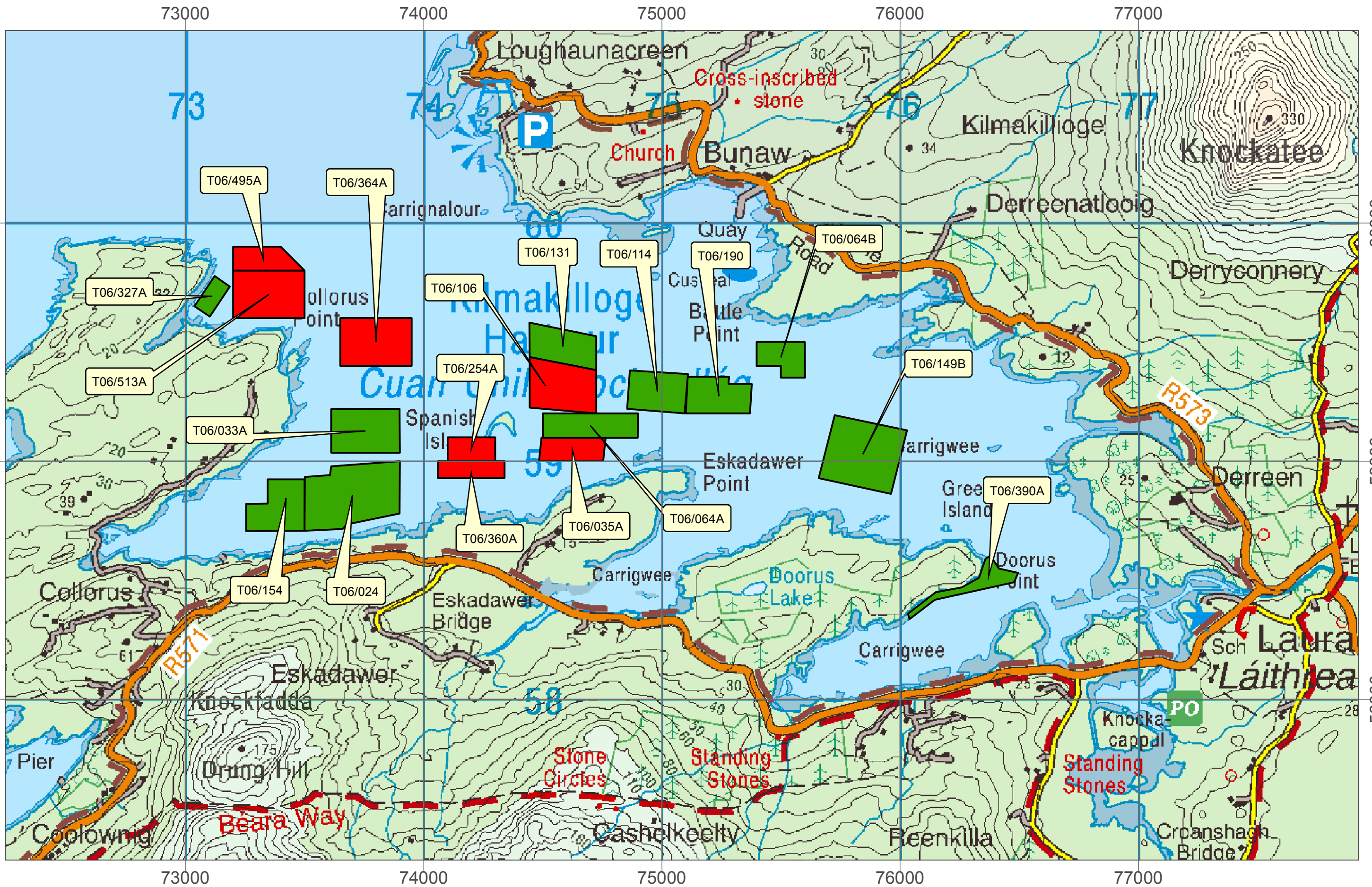
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Sites highlighted in red denotes Application

Part of Admiralty Chart No =2495-0
Not to be used for Navigation



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



Aqua Culture Sites
 <all other values>
Site_Status
 Under Appeal
 Application
 Licensed

Drawn : 06-12-2019

**Kilmakilloge Harbour
 Co. Kerry.
 Aquaculture Sites.**

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Scale = 1:15,000



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 Bia agus Mara
 Department of Agriculture,
 Food and the Marine