

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



6th December 2019

Your Ref: AP17/2019

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 Kush Seafarms Ltd in relation to site **T06/513A** in Kilmakilloge Harbour, 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 the Minister,
4. Copy of the notification of Minister's decision to the applicant,
5. Copy of draft Aquaculture and Foreshore Licence,
6. Location map of the surrounding area including the following:
 - Sites under application
 - Licensed sites
 - Sites currently under appeal.

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).

- **The application form, maps and drawings:-**

<https://www.agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshorelicenceapplications/kerry/kenmarebay/29T06513AKUSHSEAFARMSLTDAPPLICATION080419.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/AppropAssessofAquacultandFisheriesRiskAssessinKenmareRiverSAC270319.pdf>

- **Conclusion Statement covering Kenmare Bay:-**

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

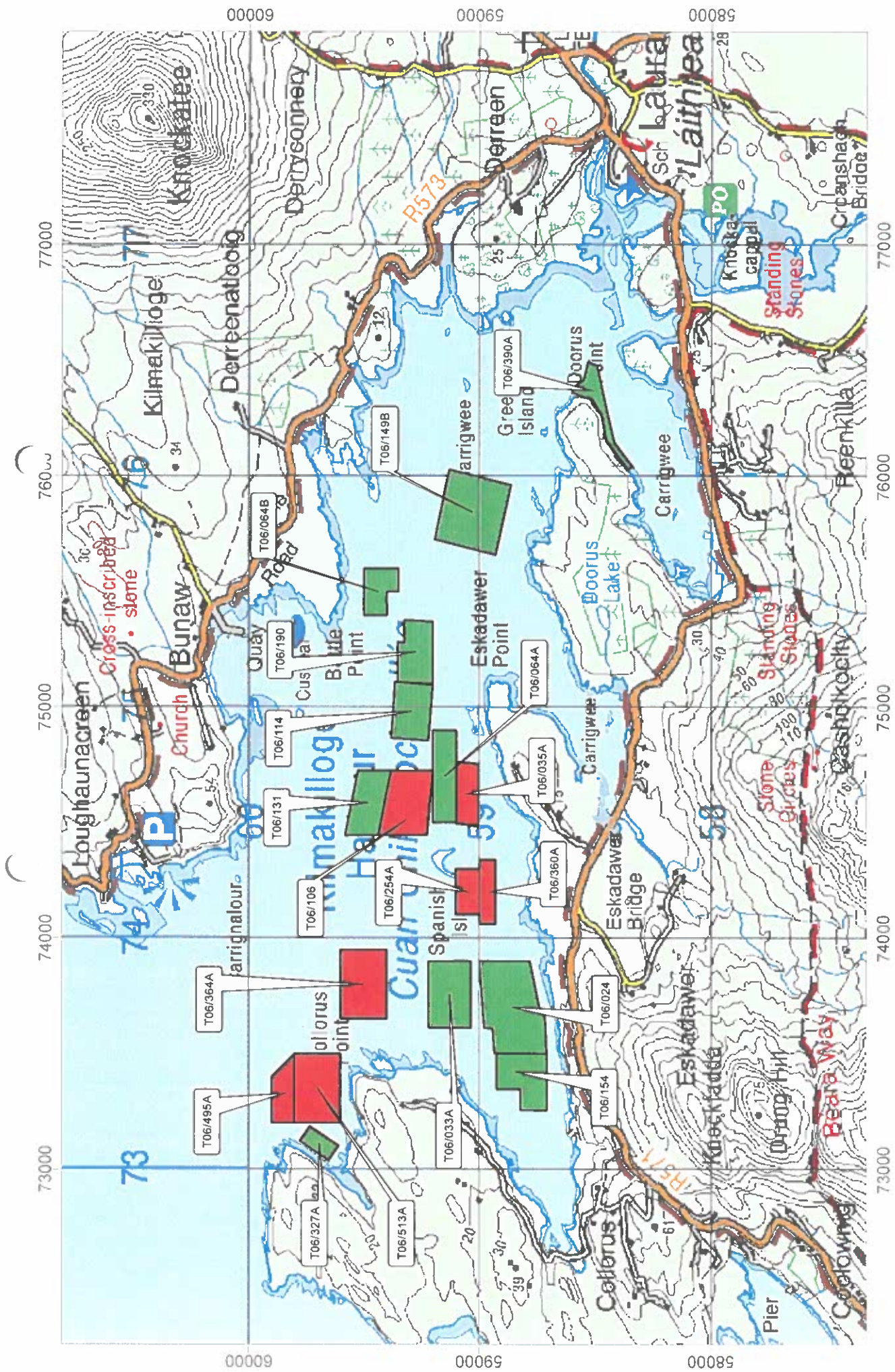
If you require anything further please let me know.

Yours Sincerely



Maria Naughton

Aquaculture and Foreshore Division



Aqua Culture Sites
< call other values >

Site_Status
Under Appeal
Application
Licensed

Drawn : 06-12-2019

**Kilmackilloge Harbour
 Co. Kerry.
 Aquaculture Sites.**

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

Scale = 1:15,000





T06/513A

FORESHORE LICENCE

Kush Seafarms Ltd

O'Shea House

New Road

Kenmare

Co. Kerry

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TERMS AND CONDITIONS APPLICABLE TO FORESHORE LICENCE

SEAL OF OFFICE AND SIGNATURES

SCHEDULE 1

DRAFT

FORESHORE LICENCE IN RESPECT OF A SITE
(NUMBERED T06/513A) AT KILMAKILLOGE, 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

Kush Seafarms Ltd
O’Shea House
New Road
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 at Kilmakilloge Harbour, Co. Kerry (numbered T05/513A) 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 € XXXXX (XXXXX euro XXX cent), such payment to be made on the XX day of XXXXXXXXX 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 KILMAKILLOGE HARBOUR CO.CORK

Co-ordinates & Area

Site T06/513A (6 Ha)

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

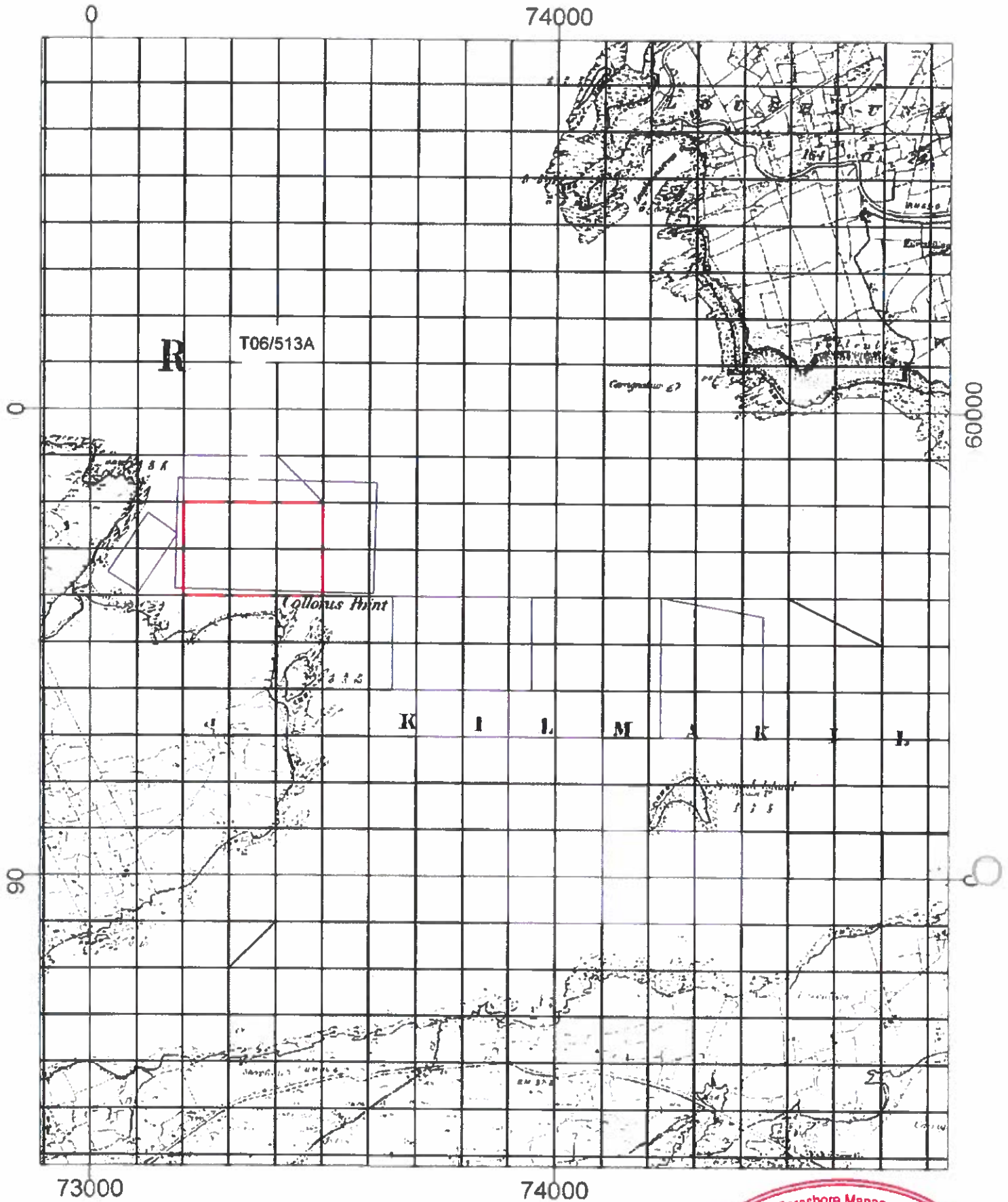
073200, 059600 to Irish National Grid Reference point

073200, 059800 to Irish National Grid Reference point

073500, 059800 to Irish National Grid Reference point

073500, 059600 to the first mentioned point.





Aqua Culture Sites
 Site_Status
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1:10,560


Sites highlighted in red denotes Application

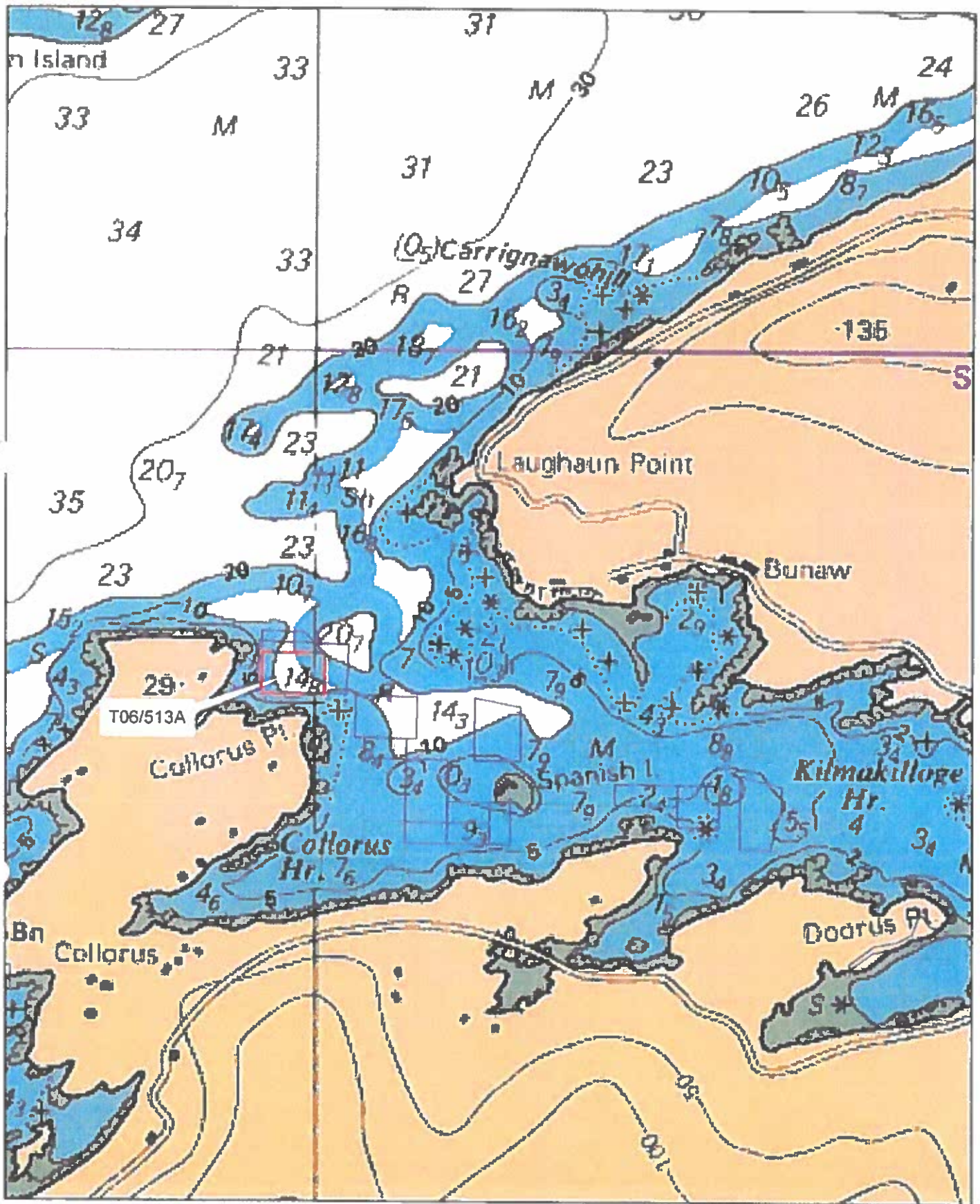
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Aquaculture & Foreshore Management Division

14 FEB 2019

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





Aqua Culture Sites
(call other values)

Site_Status

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

1:24,000

Sites highlighted in red denotes Application

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





T06/513A

AQUACULTURE LICENCE

AQUACULTURE MARINE
SHELLFISH LONGLINES

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

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T06/513A

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:

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

(hereinafter referred to as the “Licensee”) for the cultivation of mussels on a site in Kilmakilloge Harbour, Co. Kerry as specified in Schedule 1 attached (numbered T06/513A) 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 (6 hectares) (labelled T06/513A) 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/marking 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 XX XXXXXX~~ 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 KILMAKILLOGE HARBOUR CO.CORK

Co-ordinates & Area

Site T06/513A (6 Ha)

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

073200, 059600 to Irish National Grid Reference point
073200, 059800 to Irish National Grid Reference point
073500, 059800 to Irish National Grid Reference point
073500, 059600 to the first mentioned point.

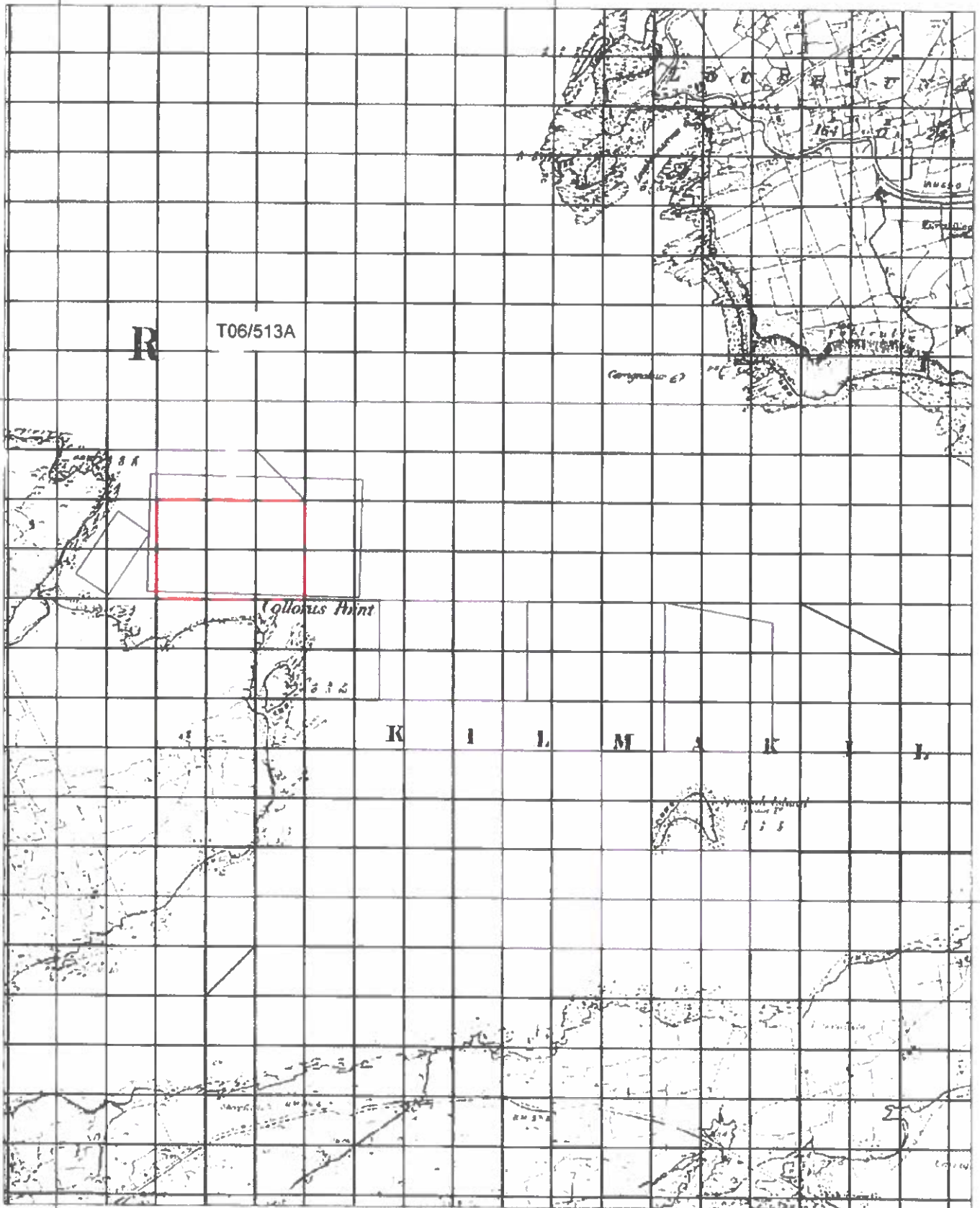


73000

74000

60000

59000



R

T06/513A




Colloony Point

K I L M A R K I L L Y

73000

74000

Aqua Culture Sites
<all other values>

- Site_Status
-  Under Appeal
 -  Application
 -  Lapsed
 -  Licensed
 -  Revoked
 -  Surrendered
 -  Withdrawn
 -  100 Meter Reference Grid

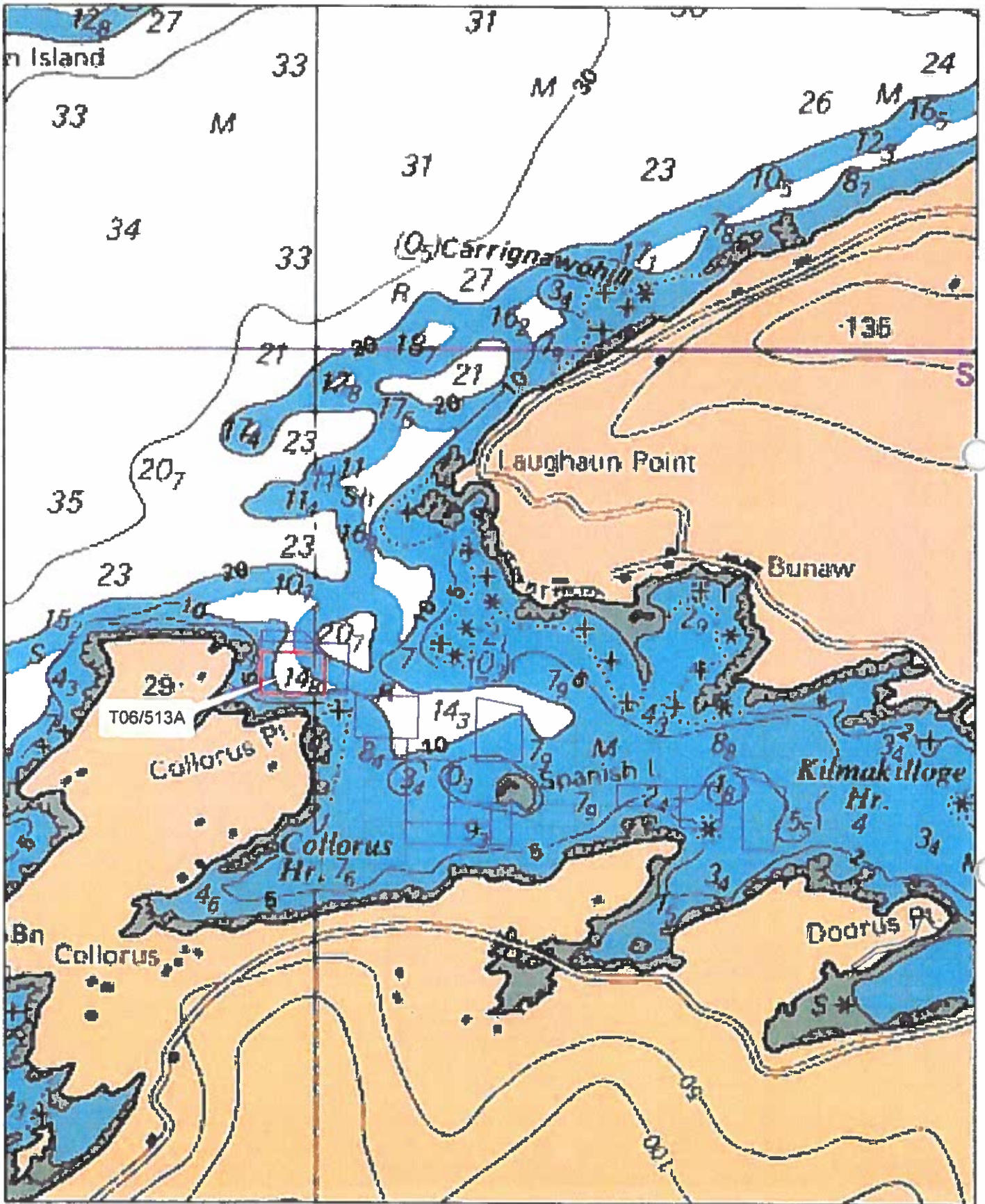
1:10,560

Sites highlighted in red denotes Application

Ordnance Survey Ireland Licence No EN 0076418
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Aquaculture & Foreshore Management Division
14 FEB 2019
An Roinn Talmhaíochta, Bia agus Mara
Department of Agriculture, Food & the Marine





Aqua Culture Sites
<all other values>

Site_Status

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

1:24,000

Sites highlighted in red denotes Application

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



SCHEDULE 2

Schedule 2 contains:

- the approved plans and drawing(s)

DRAFT

II



K I L M A K I L I

Seafarms Ltd

Lease Area Coordinates

- (1) 73200, 59800
- (2) 73500, 59800
- (3) 73500, 59600
- (4) 73200, 59600

Irish National Grid

CLIENT

Kush Seafarms Ltd

Site Location Map

This drawing to be read in conjunction with all other CMCE drawings and any other relevant information.

For more details, refer to the 'Scale' from this drawing.

SCHEDULE 3

Schedule 3 contains:

- **requirements of 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:

- **the stocking and/or equipment deployment conditions**
 - **special conditions applicable to this licence.**
 1. The floatation barrels of the longlines should be battleship grey in colour.
 2. Each mussel longline will not be longer than 220 metres in length.
 3. A maximum of 6 No. mussel longlines will be permitted within the site.
 4. Site access is from Bunaw Pier.
 5. The initial source of seed and other sources which may be used at any point in the future must be approved by the Minister.
 6. No non-native species to be used.
 7. 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 non-native species introduced as a result of operations at this site.

Protection of Archaeological Heritage

- The Licensee shall arrange for an Archaeological Assessment, of the licensed area, to be undertaken in accordance with the request of the Development Applications Unit of the Department of Culture, Heritage, and the Gaeltacht, at the expense of the Licensee. The assessment shall be carried out within 12 months of the date of Notice of Ministerial Decision to grant an Aquaculture Licence.
- The results of that Archaeological Assessment shall be supplied in the first instance to the Development Applications Unit of the Department of Culture, Heritage, and the Gaeltacht and shall be copied to the Aquaculture and Foreshore Management Division in the Department of Agriculture, Food and the Marine.
- The written permission of Development Application Unit of the Department of Culture, Heritage, and the Gaeltacht shall be obtained in advance of any anchors being placed on the sea bed in the licensed area or causing any other disturbance of the seabed in the licensed area.

Submission AGR 00477-19: Recommendation to Grant an Aquaculture and Foreshore Licence for 1 site (T06/513A)

TO: Minister
STATUS: Completed
PURPOSE: For Decision

AUTHOR: Naughton, Maria
OWNER: Naughton, Maria
REVIEWERS: O'Keeffe, 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

Recommendation to Grant an Aquaculture and Foreshore Licence for 1 site (T06/513A)

Executive summary

The Minister's determination is requested in relation to an application of an Aquaculture Licence from Kush Seafarms Ltd., O'Shea House, New Road, Kenmare, Co. Kerry. The application is for the cultivation of mussels using longlines on Site T06/513A, totalling 6 ha on the foreshore in Kilmakilloge Harbour, 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 an Aquaculture Licence from Kush Seafarms Ltd., O'Shea House, New Road, 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

An 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 6 hectare site on the foreshore in Kilmakilloge Harbour, Co. Kerry (numbered T06/513A – see documents at **TAB A**).

LEGISLATION

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

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 aquaculture and foreshore elements.

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

Marine Engineering Division (MED): Stated no objection to the application and did recommend the inclusion of conditions dealing with structures and site layout.

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 is of the view that this site is an area traditionally used for shrimp or scallop fishing

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):

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.

Further report requested July 19 from the MI commented as follows:

"Licencing of T06/513A is likely to result in spatial displacement of some fishing activity in the locality i.e. loss of fishing ground. The main effect is likely to be on shrimp fishing. The impact on fishermen depends on the distribution and amount of shrimp fishing activity that currently occurs in the area and if there is habitat and space into which fishing effort can be displaced. The overall effect depends on how the local fishery can adapt to the loss of ground. Quantification of the impact would only be possible through

detailed mapping of fishing activity locally”.

Commissioner of Irish Light (CIL): Stated no objection to the development and recommended that all structures must be clearly marked.

Department of Culture, Heritage and the Gaeltacht (DCHG): Commented as follows:

1. The Harbour seal Qualifying Interest at the site, the terms "close proximity" and "immediate vicinity", by which the likelihood of man-made disturbance is concluded, are unclear. These could usefully be better defined within the assessment and its conclusions, in order to provide an appropriate level of confidence around this Attribute and its associated Target.

2. There are no recommendations made for the Marine Community Types "Muddy fine sands dominated by polychaetes and Amphiuira filiformis community complex" and the two subtidal reef communities given that the spatial overlap of aquaculture, when considered in-combination with fishing activity, is close to or exceeds the 15% threshold.

3. Overlap with maërl is only considered in Kilmakilloge and Ardgroom Harbours. Maërl also occurs subtidally between Glinisk, Sharky Island and Parknasilla which has sites licensed for mussel culture and scallops culture. These areas have not been considered.

The Department would also like to draw attention to the coastal habitats of Vegetated sea cliffs of the Atlantic and Baltic coasts (1230), Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) (1330) and Mediterranean salt meadows (*Juncetalia maritimi*) (1410) which occur within the Kenmare River SAC. In some cases they occur adjacent to the aquaculture activities however no access routes are given within the Appropriate Assessment document. These habitats were screened out on the basis that there was no overlap with aquaculture activities. However it should be noted that storage of aquaculture materials and access routes for aquaculture can have negative impacts on these habitats. Therefore such activities should not be carried out either inside the Annex I habitat or in an area where it is likely to have an impact on the Annex I habitat (e.g. storing aquaculture frames on a cliff top, storage of equipment or establishing access paths in a saltmarsh). Disposal of waste from aquaculture activities should similarly take place well away from these Annex I coastal habitats.

These issues are addressed in the Appropriate Assessment Conclusion Statement. **See Tab D.**

The Department requires that an appropriate Underwater Archaeological Impact Assessment (UAIA) be carried out in advance to assess the totality of potential impact of the proposed applications on potential cultural heritage. The UAIA shall be carried out by a suitably qualified and suitably experienced maritime archaeologist and should be licenced by this Department. A detailed method statement should accompany the licence application.

In the first instance a detailed desktop study should be undertaken for the UAIA to inform the potential for UCH to be present in the harbour and resultant report should include recommendations for further archaeological mitigation in the way of underwater archaeological survey (either geophysical survey and/or underwater archaeological diver survey) of areas to be impacted by the anchors, if deemed necessary based on the results of the desktop study in the UAIA. The report should be forwarded to the Department for consideration and further comments.

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 17 April, 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 25 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:

Tourism, pollution, impact on inshore commercial fishing sector, damage to the environment, impact on existing mussel farmers, visual impact, other users, access to site on local roads, micro plastics, the applicant accounts, Harbour is at maximum capacity and effects on mussel growth.

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

The applicant submitted documents to refute these allegations.

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.

(ii) Shellfish Waters

The site is located within the Kenmare River/ Sneem/ Ardgroom Shellfish Designated Waters. The mussels in these waters currently have a seasonal "A" classification from 1st December – 1st May and revert 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.

g) DCHG requires that an underwater archaeological impact assessment is carried out in advance of licensing.

RECOMMENDATION

It is recommended that the Minister:

approves the granting of an Aquaculture Licence (**see document at TAB E**) to Kush Seafarms Ltd., O'Shea House, New Road, 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 – T06/513A

Kush Seafarms Ltd have applied for an aquaculture licence to cultivate mussels using longlines on the sub-tidal foreshore on a 6 ha site (T06/513A) in Kilmakilloge Harbour, Co. Kerry.

The Minister for Agriculture, Food and the Marine has determined that it is in public interest to grant the licence sought. In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with the statutory provisions. The following are the reasons and considerations for the Minister's determination to grant the licence sought:

- a. *Scientific advice is to the effect that the waters are suitable.*
- b. *Public access to recreational and other activities can be accommodated by this project;*
- c. *The proposed development should have a positive effect on the economy of the local area;*
- d. *All issues raised during Public and Statutory consultation phase 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 (T06/513A)

DECISION SOUGHT

The Minister's determination is requested please in relation to the application for a Foreshore Licence from Kush Seafarms Ltd., O'Shea House, New Road, Kenmare, Co. Kerry, for a site in Kilmakilloge Harbour, 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 the 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 a 6 hectare site (numbered **T06/513A** – 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 application and did recommend the inclusion of conditions dealing with structures and site layout.

Marine Survey Office (MSO): No comments received

Sea Fisheries Protection Authority: SFPA is of the view that this site is an area traditionally used for shrimp or scallop fishing.

Public Consultation

The application was publicly advertised using a composite public notice covering both aquaculture and foreshore elements, in The Kerryman on 17 April, 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 25 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:

Tourism, pollution, impact on inshore commercial fishing sector, damage to the environment, impact on existing mussel farmers, visual impact, other users, access to site on local roads, micro plastics, the applicant accounts, Harbour is at maximum capacity and effects on mussel growth.

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

The applicant submitted documents to refute these allegations.

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**) Kush Seafarms Ltd., O'Shea House, New Road, Kenmare, Co. Kerry, for a site in Kilmakilloge Harbour 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

O'Keefe, Therese - 11/09/2019 14:15

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

Hodnett, Kevin - 13/09/2019 10:42

Recommended that the Minister determines that the Aquaculture and Foreshore Licences applied for be granted for the reasons set out in the detailed submission.

Quinlan, John - 16/09/2019 09:53

Recommended for approval please.

Beamish, Cecil - 18/09/2019 17:42

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

Smith, Ann - 18/09/2019 17:47

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

Lennox, Graham - 19/09/2019 17:23

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

User details

INVOLVED: Naughton, Maria
O'Keefe, Therese
Hodnett, Kevin
Quinlan, John
Beamish, Cecil
Sub Sec Gens Office
eSub Sec Gen
eSub Ministers Office
eSub Minister

READ RECEIPT: Naughton, Maria
O'Keefe, Therese
Hodnett, Kevin
Quinlan, John
Beamish, Cecil
Smith, Ann
Lennox, Graham





Marine Engineering Division
Report on Aquaculture Licence Application

Application Reference No: T06/513

Report Prepared by: Raphael Crowley

Date: 04 February 2019

Applicant: Kush Seafarms Ltd

Location: Kilmakilloge Harbour, Co. Kerry

Applicant Type: Aquaculture/Foreshore Licence

Site:

T06/513

Site Area (Ha):

6.0

Species: Blue Mussel (*Mytilus edulis*)

Cultivation Method: Longlines

Intertidal/Non-Intertidal: Non-Intertidal

Source of Seed / Spat: Natural spat collection

Annual Production Estimates: 60 Tonnes

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 provided

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:

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 relatively sheltered waters at the western side of the entrance to Kilmakilloge Harbour. The hydrodynamic regime is suitable for this type of aquaculture.

Site Management

This new application is for aquaculture activity at the entrance to Kilmakilloge Harbour, Co Kerry. The site is currently not in use. This applicant operates a number of aquaculture sites in Kenmare Bay including Kilmakilloge Harbour. The site was previously referenced as T05/540 but has been re-numbered as it lies within County Kerry.

Proposed Site Layout and Structures

The proposed site has an area of 6.0Ha. The applicant proposes to utilise the standard double head-rope method as per mussel longline detail attached to the application. Each mussel longline should not be longer than 220 metres in length. A proposed farm layout has been submitted.

A maximum of 6 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.

GIS Mapping Section of MED can prepare the appropriate maps, co-ordinates and area for the site for licencing purposes.

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 facilitate this proposed site. 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.

There is existing aquaculture in the harbour that has been in place for some time and has become embedded in the landscape. This site, the 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 licence conditions will specify the orientation of the site, length and number of lines and colour of floatation barrels to minimise the visual impact. There is no significant visual impact due to this application.

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 for new aquaculture activity will form 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 significant impact due to this application. This site is suitably removed from the existing activity and of a scale that it will not affect production within the harbour.

The existing 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 or the licencing of this site.

MED has been informed anecdotally that dredging for scallops occurred at this location in the past, but MED is not aware of any current records of this activity.

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.

Naughton, Maria

From: Foley, Tina
Sent: 10 July 2019 14:45
To: Naughton, Maria; Fitzpatrick, Deirdre
Cc: DAFM Queries
Subject: Aquaculture & Foreshore Application: Kilmakilloge Harbour. Co. Kerry (17 no. sites)

Hi Maria & Deirdre,

Please see below response received from Castletownbere Port in respect of the above applications as requested.

Kind regards

Tina

Tina Foley
Clerical Officer
Food & Fisheries Support Unit

T +353 238859313
E tina.foley@sfpa.ie



AN t-ÚDARÁS UM
CHOSAINT
IASCAIGH MHARA SEA-FISHERIES
PROTECTION
AUTHORITY

An t-Údarás um Chosaint Iascaigh Mhara, Clogheen, Cloich na Coillte, Co. Chorcaí
Head Office, National Seafood Centre, Park Road, Clogheen, Clonakilty, Co. Cork
Eircode: P65TX47
www.sfpa.ie

From: Falvey, John
Sent: 05 July 2019
To: Falvey, John <John.Falvey@sfpa.ie>
Subject: RE: REMINDER: Aquaculture & Foreshore Application: Kilmakilloge Harbour. Co. Kerry (17 no. sites)

Good Afternoon Tina

SFPA comments are the same for the following applications:



T6 513

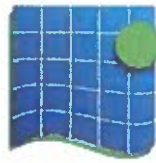


The SFPA is of the view that these sites are for areas traditionally used for either shrimp or scallop fishing



Regards

John



Marine Institute
Foras na Mara

Rinville,
Oranmore,
Co. Galway
Tel: 091 387200

Date: 07 May 2019

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

Advice on Aquaculture Licence Application

Applicant	Kush Seafarms Ltd
Application type	New
Site Reference No	T06/513A
Species	Mussels (<i>M. edulis</i>) - longlines
Site Status	Located within the Kenmare River SAC (Site Code 002158) Located within the Kenmare River / Sneem/ Ardroom designated Shellfish Growing Waters Area.

Dear Maria

This is an application for an aquaculture licence to cultivate mussels (*M. edulis*) using longlines at Site T06/513A in Kenmare Bay, Co. Kerry. The area of foreshore at Site T06/513A is circa 6.00 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 sites 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 T06/513A is located within the Kenmare River / Sneem/ Ardroom designated Shellfish Growing Water Area.

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

Site T06/513A 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/Appropr.AssessofAquacultandFisheriesRisk.AssessinKenmareRiverSAC270319.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.

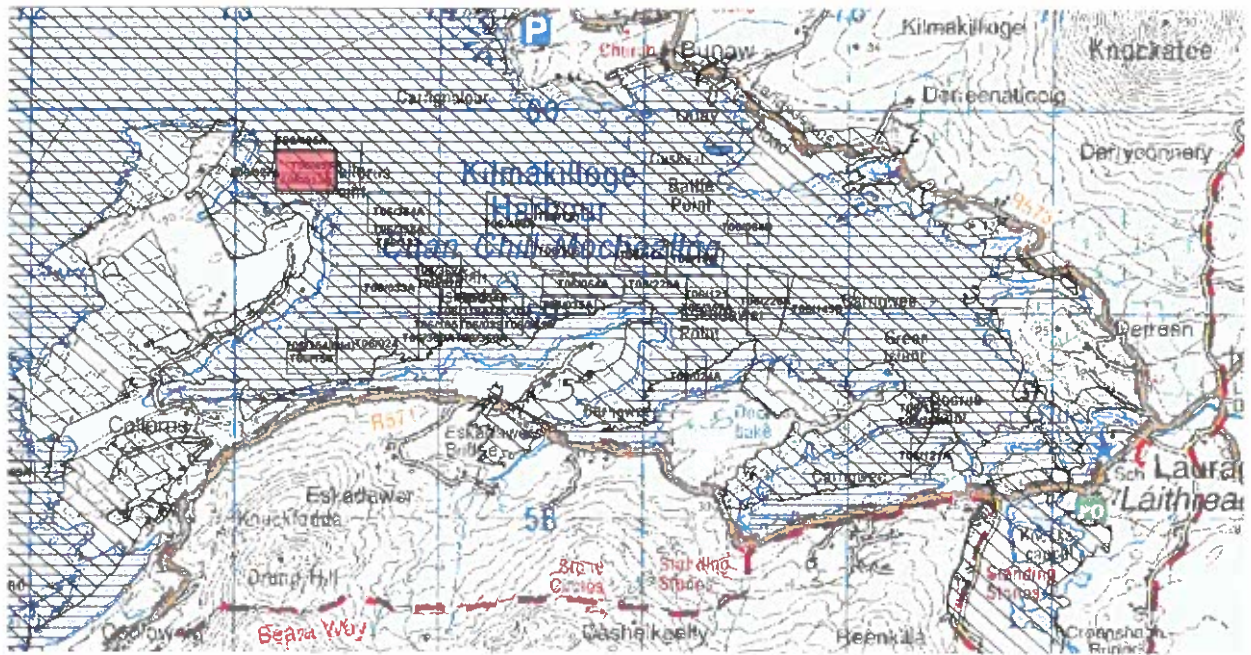
In the event that invasive non-native species are introduced into a site as a result of aquaculture activity the impacts may be bay-wide and thus affect other aquaculture operators in the bay. In this regard, therefore, the Marine Institute considers that the CLAMS process may be a useful and appropriate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



Kilmacallogue, Kenmare River, fishing activity in relation to Aquaculture licence application T06/513A

Oliver Tully, Fisheries Ecosystems Advisory Services. July 24th 2019.

- Fishing location data for vessels under 12m in length are poorly resolved as these vessels do not carry VMS and do not, therefore, report position during fishing. Existing data rely on expert judgement and questionnaire information
- The footprint of Aquaculture licence applications is typically small relative to the possible distribution of fishing and given the coarse resolution of fishing data for vessels, under 12m in length, it is not usually possible to quantify the amount of fishing activity that might occur in the vicinity of an area which is proposed for Aquaculture.
- Expert judgement and questionnaire data for fishing activity by vessels under 12m in length was collated in 2013 and 2014 for Article 6 (Habitats Directive) assessments. These are summarized below for Kenmare River (Fig 1, Table 1).
- The fishery data indicates that potting for shrimp is the main fishery that occurs in the area of licence application T06/513A. This is supported by the habitat map for the area showing sedimentary habitats on the edge of reef and in shallow water which is shrimp habitat.
- There is unlikely to be any significant other fishery in the immediate area although lobster fishing would probably occur close by. Scallop dredging may occur on the seaward side of the site.
- It is not possible to quantify the amount of fishing (number of boats, pots, fishing days) that occurs in the vicinity of T06/513A from the data. We would have to interview people locally to estimate this.
- The main effect of licencing the area for mussel long line would be to displace shrimp potting effort (and any other fishing activity) from the area. The operational effect locally would depend on how much fishing effort there is in the locality and if there is space and habitat available to displace into.
- If the shrimp fishing effort can be displaced around the site it may not have very significant effects on fishermen. The fishery uses baited traps to attract shrimp which are mobile and move across the area in response to weather conditions and available habitat
- Mussel long lines may provide habitat for shrimp; shrimp may use the 3 dimensional structures/lines provided by the mussel farm as habitat. It is at least very unlikely that mussel farming itself would have any detrimental effects on shrimp stocks
- **Summary:** Licencing of T06/513A is likely to result in spatial displacement of some fishing activity in the locality i.e. loss of fishing ground. The main effect is likely to be on shrimp fishing. The impact on fishermen depends on the distribution and amount of shrimp fishing activity that currently occurs in the area and if there is habitat and space into which fishing effort can be displaced. The overall effect depends on how the local fishery can adapt to the loss of ground. Quantification of the impact would only be possible through detailed mapping of fishing activity locally.

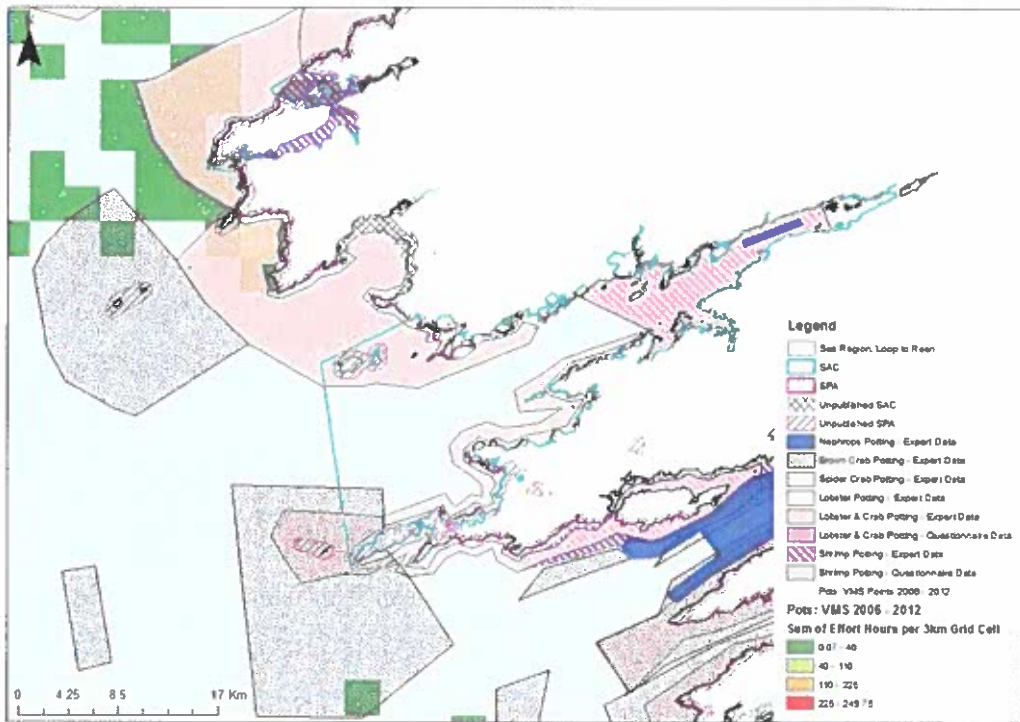


Figure 1. Distribution of pot fisheries for crustaceans in Kenmare River.

Naughton, Maria

From: Fem Dau [Fem.Dau@chg.gov.ie]
Sent: 20 May 2019 08:43
To: Aquaculturelicensing
Subject: [REDACTED]
Kenmare Bay

T06/513A

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

A chara,

Please find the nature conservation and underwater archaeology recommendations of the Department of Culture, Heritage, and the Gaeltacht for the above mentioned licence applications.

Nature Conservation

The Department of Culture, Heritage and the Gaeltacht welcomes the opportunity to provide observations concerning the aquaculture licence applications at Kenmare River SAC (Site Code: 02158) for the sites referenced in your correspondence of the 9th of April 2019. The Department has offered comments on the report supporting Appropriate Assessment of Aquaculture in Kenmare Bay on 10th of December 2015. Comments were also provided on the revised Assessment report and Conclusion Statement and on the Risk Assessment of Fisheries on the 13th and 14th of April 2016, respectively.

The Department acknowledges the consideration of previous observations made by this Department in the 2019 Appropriate Assessment and the draft Conclusion Statement. However the following points are still relevant to the current licence applications. It is hoped that these observations will be considered by the Department of Agriculture, Food and the Marine in its decision-making process.

1. In relation to the Harbour seal Qualifying Interest at the site, the terms "close proximity" and "immediate vicinity", by which the likelihood of man-made disturbance is concluded, are unclear. These could usefully be better defined within the assessment and its conclusions, in order to provide an appropriate level of confidence around this Attribute and its associated Target.
2. There are no recommendations made for the Marine Community Types "Muddy fine sands dominated by polychaetes and *Amphiura filiformis* community complex" and the two subtidal reef communities given that the spatial overlap of aquaculture, when considered in-combination with fishing activity, is close to or exceeds the 15% threshold.
3. Overlap with maërl is only considered in Kilmakilloge and Ardgroom Harbours. Maërl also occurs subtidally between Glinisk, Sharky Island and Parknasilla which has sites licensed for mussel culture and scallops culture. These areas have not been considered.

The Department would also like to draw attention to the coastal habitats of Vegetated sea cliffs of the Atlantic and Baltic coasts (1230), Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) (1330) and Mediterranean salt meadows (*Juncetalia maritimi*) (1410) which occur within the Kenmare River SAC. In some cases they occur adjacent to the aquaculture activities however no access routes are given within the Appropriate Assessment document. These habitats were screened out on the basis that there was no overlap with aquaculture activities. However it should be noted that storage of aquaculture materials and access routes for aquaculture can have negative impacts on these habitats. Therefore such activities should not be carried out either inside the Annex I habitat or in an area where it is likely to have an impact on the Annex I habitat (e.g. storing aquaculture frames on a cliff top, storage of equipment or establishing access paths in a saltmarsh). Disposal of waste from aquaculture activities should similarly take place well away from these Annex I coastal habitats.

Underwater Archaeology

The Department notes that cumulatively the area proposed for the applications is large, combining intertidal areas and subtidal areas for longlines.

The Department therefore requires that an appropriate Underwater Archaeological Impact Assessment (UAIA) be carried out in advance to assess the totality of potential impact of the proposed applications on potential cultural heritage. The UAIA shall be carried out by a suitably qualified and suitably experienced maritime archaeologist and should be licenced by this Department. A detailed method statement should accompany the licence application. In the first instance a detailed desktop study should be undertaken for the UAIA to inform the potential for UCH to be present in the area in tandem with an intertidal survey of the areas for the bags and trestles. Once the results of these are compiled, the resultant report should include recommendations for further archaeological mitigation in the way of underwater archaeological survey of areas to be impacted by the anchors, if deemed necessary based on the results of the desktop study in the UAIA. The report should be forwarded to the UAU for consideration and further comments.

Mise le meas,

Connor Rooney
Executive Officer

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

Aonad na nIarratas ar Fhorbairt
Development Applications Unit

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

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manager.dau@chg.gov.ie
www.chg.gov.ie

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Commissioners of
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and Maritime
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Ms. Maria Naughton
Aquaculture and Foreshore Management Division
Dept. of Agriculture Food & the Marine
National Seafood Centre
Clonakilty
Co. Cork

Your Reference: T06/513A
Our Reference: LA:0557.1310
Date: 11/04/2019

LL: LA 0557.1310

Applicant: Kush Seafarms Ltd

Site: Kilmakilloge Harbour, Co. Kerry

Dear Ms. Naughton,

Thank you for your letter advising us of this application.

Based on the information supplied, there appears to be no objection to the development. It is important to ensure that no navigable inter-tidal channels are impeded by the site.

If a licence is granted, 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.

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 that may be required by the Marine Survey Office. These aids should be in place before development on the site commences. Statutory sanction forms are available at <http://www.irishlights.ie/safety-navigation/statutory-sanction.aspx>
- The size and specification of aids to navigation should be of the design and specification approved by the Marine Survey Office and must be agreed in advance with the Commissioners of Irish Lights.

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

Furthermore, if a licence is granted, the UK Hydrographic Office at Taunton: sdr@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



Commissioners of
IRISH LIGHTS | Navigation
and Maritime
Services

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

Date: 11/04/2019

Site: Kilmakilloge Harbour, Co. Kerry

Dear Ms. Naughton,

Thank you for your letter advising us of the application 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



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



24th September 2019

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

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

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

Dear Sir

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

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

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

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

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

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

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

Yours sincerely

Maria Naughton
Aquaculture and Foreshore Management Division

An Láirionad Bia Mara Náisiúnta, An Cloichin, Cloich na Coillte, Corcaigh, P85 TX47
National Seafood Centre, Clogheen, Clonakilty, Co. Cork P85 TX47
T +353 (0)23 8859521 maria.naughton@agriculture.gov.ie
www.agriculture.gov.ie

**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: T06/360

APPLICANT: Kush Seafarm Ltd

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

NATURE OF DECISION: Grant of an Aquaculture Licence.
The Minister for Agriculture, Food and the Marine has determined
that it is in the public interest to grant a variation to the licence
sought. The Minister recommends granting a 1.988 ha site and
amending the shape to allow for standard 220m longlines.

DATE OF DECISION: 19 September 2019

CONDITIONS OF LICENCE: See attached.

DURATION OF LICENCE: 10 years

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

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

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

REFERENCE NO:	T06/513
APPLICANT:	Kush Seafarm Ltd
AQUACULTURE TO WHICH DECISION RELATES:	Cultivation of mussels using longlines on site T05/513 on the foreshore in Kilmakilloge Harbour, Co. Kerry.
NATURE OF DECISION:	Grant of an Aquaculture Licence.
DATE OF DECISION:	19 September 2019
CONDITIONS OF LICENCE:	See attached.
DURATION OF LICENCE:	10 years
ISSUE OF LICENCE:	The licence will be dated and issued as soon as practicable after the end of the period of one month from the date of publication of a notice in a newspaper circulating in the vicinity of the aquaculture, if no appeal is made to the Aquaculture Licences Appeals Board within that period, under Section 40 and 41 of the Fisheries (Amendment) Act, 1997.

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

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

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

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

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

To be inserted in Iris Oifigiuil

FORESHORE ACT, 1933 NOTICE OF DECISION TO GRANT/REFUSE FORESHORE LICENCE(S)

The Minister for Agriculture, Food and the Marine has decided to grant/refuse Foreshore Licences to:

Site Ref	Applicant	Location	Species & Cultivation	Grant/ Refuse
T06/114	Kush Seafarms Ltd	Middle of Kilmakilloge Harbour	Mussels using longlines	Grant
T06/357A	Kush Seafarms Ltd	Eastern side of Kilmakilloge Harbour	Mussels using longlines	Refuse
T06/358A	Kush Seafarms Ltd	Western side of Kilmakilloge Harbour	Mussels using longlines	Refuse
T06/359A	Kush Seafarms Ltd	Middle of Kilmakilloge Harbour	Mussels using longlines	Refuse
T06/360A	Kush Seafarms Ltd	Middle of Kilmakilloge Harbour	Mussels using longlines	Grant with Variation
T06/361A	Kush Seafarms Ltd	Middle of Kilmakilloge Harbour	Mussels using longlines	Refuse
T06/362A	Kush Seafarms Ltd	Middle of Kilmakilloge Harbour	Mussels using longlines	Refuse
T06/513A	Kush Seafarms Ltd	Western side of the entrance to Kilmakilloge Harbour	Mussels using longlines	Grant

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 documentation upon which the Minister determined the applications may be inspected free of charge at the Department's Offices in Clonakilty, Co. Cork, by contacting the Aquaculture & Foreshore Management Division on 023 8859500.

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



2008 Aquaculture and Foreshore Licence application and an updated 2018 version which includes supplemental information. These applications must be read in tandem.



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

SHELLFISH AND FINFISH

Aquaculture and Foreshore Licence Application Form

Important Note

Section 4 of the Fisheries and Foreshore (Amendment) Act, 1998 (No. 54) prohibits any person making an application on or after 10 December 1998 for an Aquaculture Licence from commencing aquaculture operations until duly licensed under the Fisheries (Amendment) Act, 1997 (No. 23), and provides that a breach of that prohibition will cause the application to fail.

Coastal Zone Management Division
Department of Agriculture, Fisheries & Food
Building C, West Cork Technology Park
Clonakilty, Co. Cork

Fax: (023) 59508

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

*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 Part 3 are confidential and are not for public disclosure.

For Office Use

Application Ref. No. _____

Date of receipt, (Dept. Stamp):

USE BLOCK CAPITALS IN BLACK INK

PART 1: PRELIMINARY DETAILS

Name(s) of Applicant(s) in full: 1.A <i>Kush Seafarms Ltd.</i>	
1.B	
Address(es) of Applicant(s) in full:	Agent: <i>(Please forward all correspondence and communications to agent)</i>
1.A <i>The Courthouse</i>	<i>Adam Cronin</i>
<i>Kenmare</i>	<i>Cronin Millar Consulting Engineers</i>
<i>Co. Kerry</i>	<i>The Mews, 7 Copperfields, Cobh, Co. Cork</i>

1.C TYPE OF APPLICATION Insert X in relevant box

Indicate the relevant type of application:

- (i) Aquaculture Licence	<input checked="" type="checkbox"/>
- (ii) Trial Licence	<input type="checkbox"/>
- (iii) Review of Aquaculture Licence	<input type="checkbox"/>
- (iv) Renewal of Aquaculture Licence	<input type="checkbox"/>
- (v) Foreshore Licence	<input type="checkbox"/>

(This Application Form is valid for each type of application.)

1.D TYPE OF AQUACULTURE

Indicate the relevant type of application:

- (i) Land-based	<input type="checkbox"/>
- (ii) Marine-based	<input checked="" type="checkbox"/>
- Shellfish	
(iii) - extensive	<input type="checkbox"/>
(iv) - intensive	<input checked="" type="checkbox"/>
- (v) Finfish	<input type="checkbox"/>

1.E DOCUMENTS ENCLOSED WITH THIS APPLICATION

The following documents are enclosed with this application:

- | | |
|--|------------------------------|
| (1) - Ordnance Survey Map (Scale of 1: 10,560, ie, a six inch map) <i>OBLIGATORY</i> | <input type="checkbox"/> |
| (2) - British Admiralty Chart (largest available scale) | <input type="checkbox"/> |
| (3) - Decision of planning authority under Planning Acts | <input type="checkbox"/> N/A |
| (4) - Copy of licence under Section 4 of Local Government
Water Pollution) Act, 1977 | <input type="checkbox"/> N/A |
| (5) - Environmental Impact Statement | <input type="checkbox"/> N/A |
| (6) - Drawing of the structures to be used and/or the layout of the farm <i>OBLIGATORY</i> | <input type="checkbox"/> |
| (7) - Water Quality Analysis Report (required for Land-based sites only) | <input type="checkbox"/> N/A |
| (8) - Application Fee <i>OBLIGATORY</i> €95.23 | <input type="checkbox"/> |
| (9) - Other (specify): _____ | |

PART 2: DETAILS RELATING TO PROPOSED AQUACULTURE PROJECT

2.A Employment, Qualifications, Experience, Etc.

(i) Details of Applicant's qualifications and experience in aquaculture:

The directors of Kush Seafarms Ltd., John and Flor Harrington have been actively involved in the rope mussel industry since 1983. Both directors have attended numerous BIM and Irish Shellfish Association workshops and training courses.

The directors have also carried out extensive research and inspected many fish farms throughout Europe and Canada.

(ii) Other relevant experience (courses attended, etc):

Kush Seafarms Ltd. operate a marketing arm under Kerry Coast Shellfish and export mussels and oysters to France, Italy and Spain.

(iii) Details of projected employment creation during first four years of proposed development:

This farm will help to underpin 4 no. full time and 5 no. part time existing positions.

The site will require 1 no. full time equivalent position.

(iv) Projected employment (number of persons):

Year 1:	<i>1</i>	Year 2:	<i>1</i>	Year 3:	<i>1</i>	Year 4:	<i>1</i>
---------	----------	---------	----------	---------	----------	---------	----------

2.B Aquaculture Site Details

Indicate type of site:

- (i) Land-based
- (ii) Marine-based

2.C Land-Based Site

(To be completed if appropriate)

(i) State species to be farmed: _____

(ii) State proposed system of culture e.g., pond, raceway, circular tank or other method: _____

(iii) Full address of proposed site including Townland and County: _____

(iv) Tonnage to be produced:

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

(v) Proposed source of stock: _____

(vi) Name of river(s) supplying site with water: _____

(vii) Estimate drought flow in gallons per minute: _____

(viii) Is there a fall of 1.5 metres in the water level at this site or can this be obtained by damming the river without giving rise to flooding of your own or neighbour's land upstream of the site? _____

(ix) Area of proposed site (hectares): _____

(x) Details of services available on the site e.g., main road access, electricity: _____

(xi) Are there at present any possible sources of pollution upstream of the site, e.g. discharge from sewerage plant, farmyard, sheep dip facility, silage effluent, quarry, sandpit or factory?

YES NO

(xii) If yes, supply details: _____

Land-based Site (continued)

2.D The following must be supplied:

- (i) Sketch of the layout of the site in relation to the river(s), road(s) and buildings;
- (ii) Water quality Analysis Report, which should be drawn up in accordance with the parameters set out in Annex C of the Guidance Notes.

2.E The following conditions must be met in order to allow for consideration of licensing of land-based aquaculture:

- (i) the buildings and equipment must be put in place to the Department's satisfaction; and
- (ii) the operation must comply with Local Authority requirements.

2.F Marine-based Site(s)

(To be completed if appropriate)

Location - (i) Bay: ***Kemare River (Kilmakilloge Harbour)***

- (ii) County: ***Cork***

(iii) OS Map No: ***KY108***

(iv) Size (hectares): ***6 Ha. (300m x 200m)***

(v) Species (to be specified): ***Mussels (Mytilus Edulis)***

- Aquatic Plant(s)

- Any form of aquatic food suitable for the nutrition of fish

(vi) Method of culture (e.g., nets, ropes, tanks, trestles, etc)

Traditional double head rope longline system

(vii) Drawings of structures to be used in method of culture should be enclosed. ***(Drawings Enclosed)***

(viii) If cages or tanks are proposed, state:

-(a) Number: ***N/A***

-(b) Type and shape: ***N/A***

-(c) Cubic Capacity: ***N/A***

-(d) Depth: ***N/A***

(ix) Proposed specific site locations (with reasons):

This site is an existing site (T05/156) and is operated by Kush Seafarms Ltd. It is located in the North West of Kilmakilloge Harbour and is in proximity to Kilmakilloge service pier.

(x) Describe proposed purification facilities to be used, where appropriate: ***N/A***

Marine-based Site(s) (continued)

2.G Give details of any special requirements relating to the health of the proposed project and the wider matters of public health and safety:

No health implications or issues

Kush Seafarms Ltd. have a full Health & Safety statement in accordance with the Safety, Health & Welfare at Work Act.

2.H Tonnage to be produced:

<u>Species</u> (To state)	<u>Year 1:</u>	<u>Year 2:</u>	<u>Year 3:</u>	<u>Year 4:</u>
<i>Mussels (Mytilus Edulis)</i>	<u>0</u>	<u>30t</u>	<u>30t</u>	<u>60t</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

2.I Reasons for selection of site(s):

- 1. Proximity to existing sites*
- 2. Proximity to access from land*
- 3. No navigation impact*
- 4. Class A water quality*

Note: The proposed access route to the site(s) from public road across tidal foreshore area Must be indicated on the OS map accompanying the application.

2.J Environmental Impact Statement (EIS) N/A

A copy of an EIS, if required, should be enclosed with the application. The EIS should contain the information specified in Annex B of the Guidance Notes.

2.K Trial Licence N/A

(To be completed if appropriate)

Describe experimental or investigative nature of the proposed project: _____

[Use separate page if required – to be signed and dated]

I/We hereby declare the information provided in Parts 1, 2 and 3 above to be true to the best of my/our knowledge. I/We enclose an application fee* of € 95.23 with this application.

Signature(s) of Applicant(s):

J. HARRINGTON

Date: 14 July 2008

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

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

Aquaculture Licensing
Coastal Zone Management Division
Department of Agriculture, Fisheries & Food
Building C, West Cork Technology Park, Clonakilty, Co. Cork

**UPDATE/ADDITIONAL
INFORMATION FORM**

**FILL IN THE YELLOW
HIGHLIGHTED SECTIONS**

**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. [REDACTED] T061513

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.	Address:
2.	Address:
3.	Address:
4.	Address:

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

PART 1: PRELIMINARY DETAILS

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

TYPE OF AQUACULTURE

See Guidance Note 3.2

Indicate the relevant type of application with a tick.

(i) **MARINE-BASED**

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

(ii) **LAND-BASED**

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

(iii) **TRIAL LICENCE**

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

2.2 MARINE-BASED SHELLFISH AQUACULTURE

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

Proposed Site Location

- (i) Bay: _____
- (ii) County: _____
- (iii) OS Map No: _____
- (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): _____

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

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

Subtidal

(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 hatchery

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) _____

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

(xi) Proposed Production Tonnage:

Year 1	Year 2	Year 3	Year 4	Year 5

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

(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

The product will be sold to factories or dives processing plants for further packaging

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

The barrels will be battleship grey

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

Yes No

If yes give details.

Kilmakilloge is Class A JAN/FEB and B for the remainder of the year

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?

A JAN/FEB and B for the remainder of the year

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

Yes

(xviii) Are there known sources of pollution in the vicinity e.g. sewage outfall? Yes / No

If yes please give full details.

No

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

The company has its own harvesting vessel and sell to processor fresh or cooked

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

None planned

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

No known predators, possibly starfish

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

picking by hand as harvested

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

PART 3 D. LIMITED COMPANY

Company Name: KUSH SEAFARNS LTD

Address: O'SHEA HOUSE, NEW ROAD
KENNARE, G. KERRY

Company Registered No. (CRO No.) _____

VAT No. 

Phone No. 

Mobile No. 

E-mail Address _____

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

Name: JOHN HARRINGTON Personal Public Service No. 

Name: FLOR HARRINGTON Personal Public Service No. _____

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: JOHN HARRINGTON Personal Public Service No. 

% Shareholding: 50

Name: FLOR HARRINGTON Personal Public Service No. _____

% Shareholding: 50

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)

John McCreary D
MD Fresh Seafoods LTD

Date: *20th March 2018*

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

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

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

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

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

1 NO. SITE AT KILMAKILLOGE HARBOUR CO.CORK

Co-ordinates & Area

Site T06/513A (6 Ha)

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

073200, 059600 to Irish National Grid Reference point
073200, 059800 to Irish National Grid Reference point
073500, 059800 to Irish National Grid Reference point
073500, 059600 to the first mentioned point.

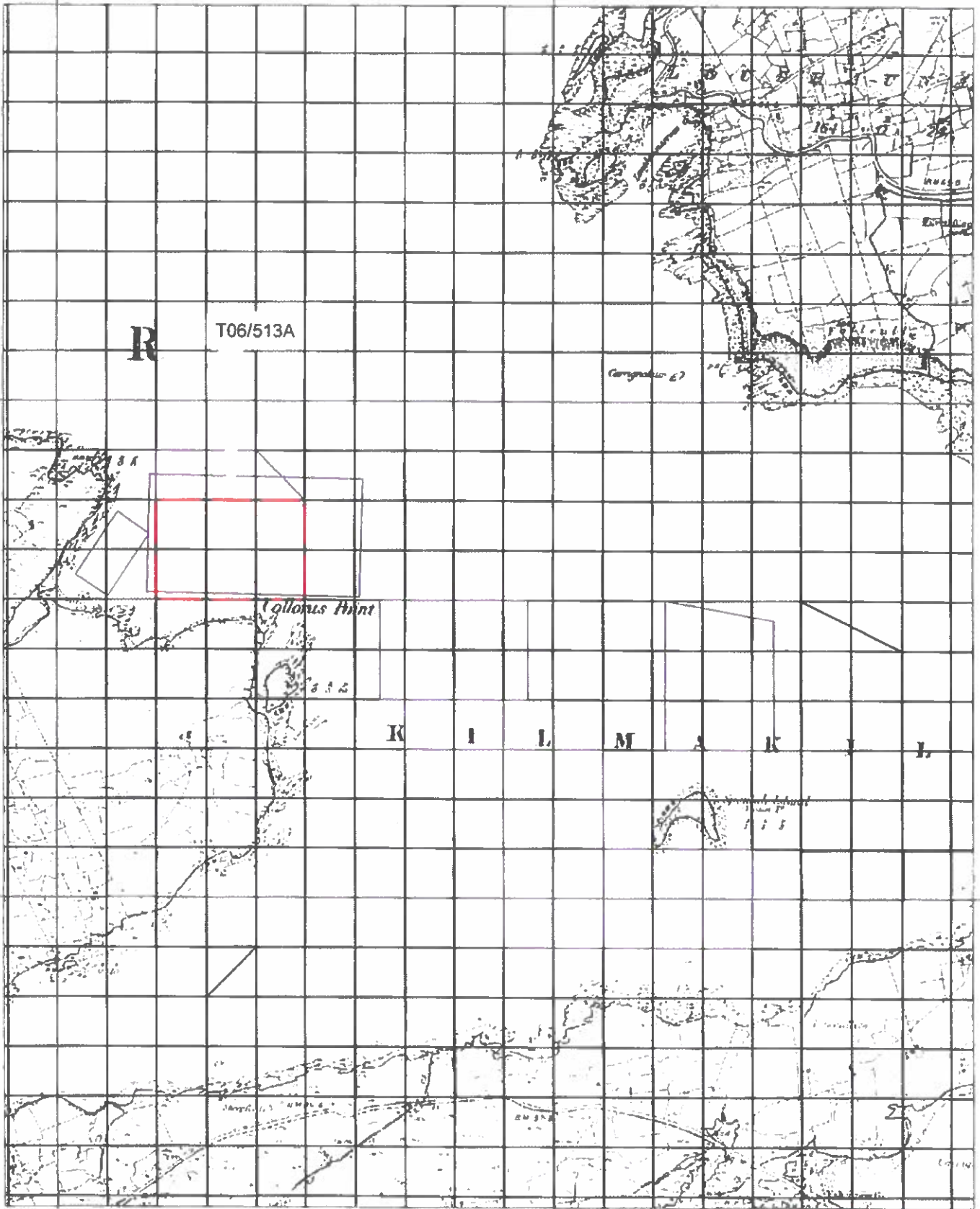


73000

74000

60000

55000



73000

74000

Aqua Culture Sites

<all other values>

Site_Status

-  Under Appeal
-  Application
-  Lapsed
-  Licensed
-  Refused
-  Revoked
-  Sumandered
-  Withdrawn
-  100 Meter Reference Gnd

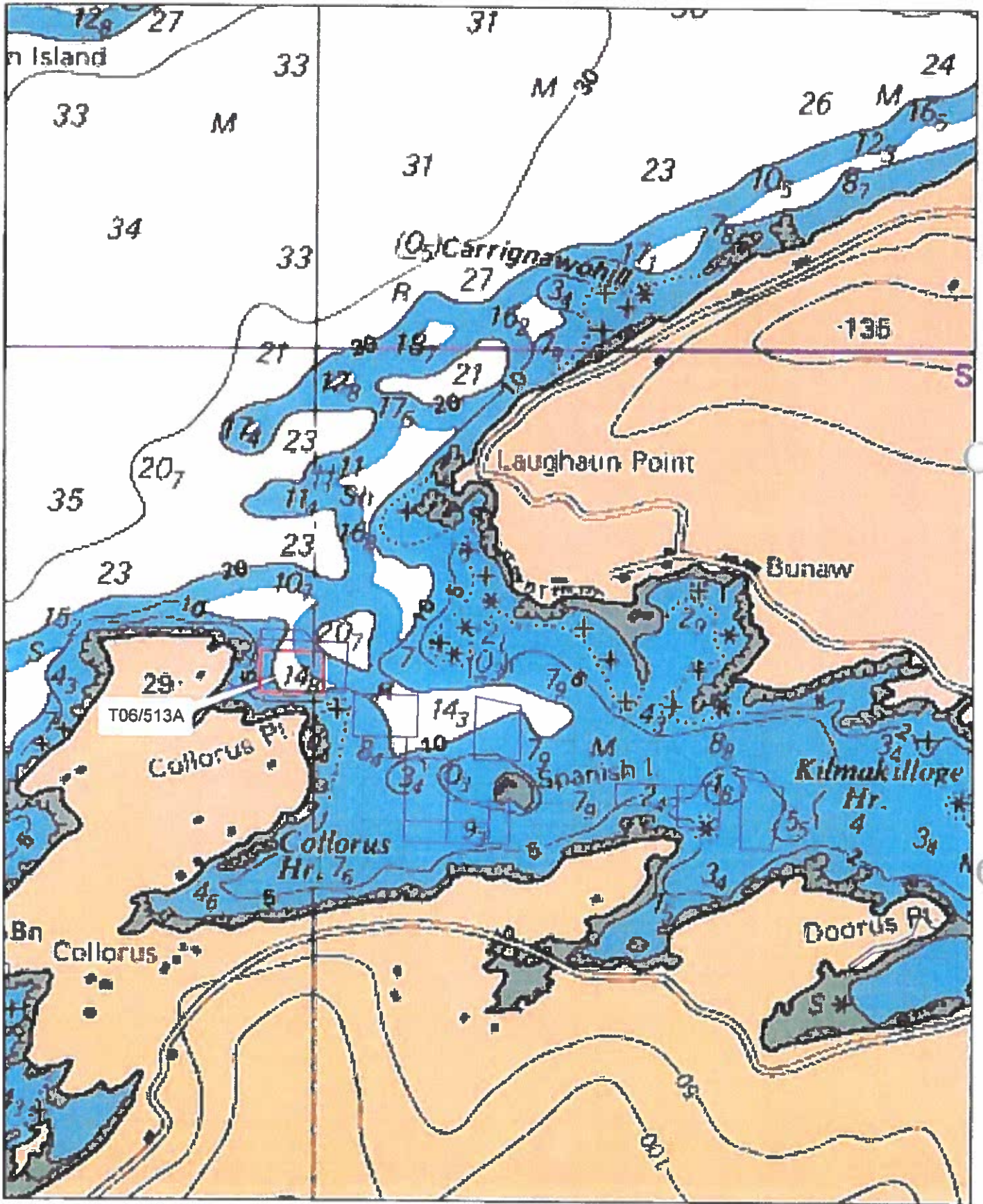
1:10,560

Sites highlighted in red denotes Application

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

Aquaculture & Foreshore Management Division
14 FEB 2019
An Roinn Talmhaíochta, Bia agus Mara
Department of Agriculture, Food and the Marine





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

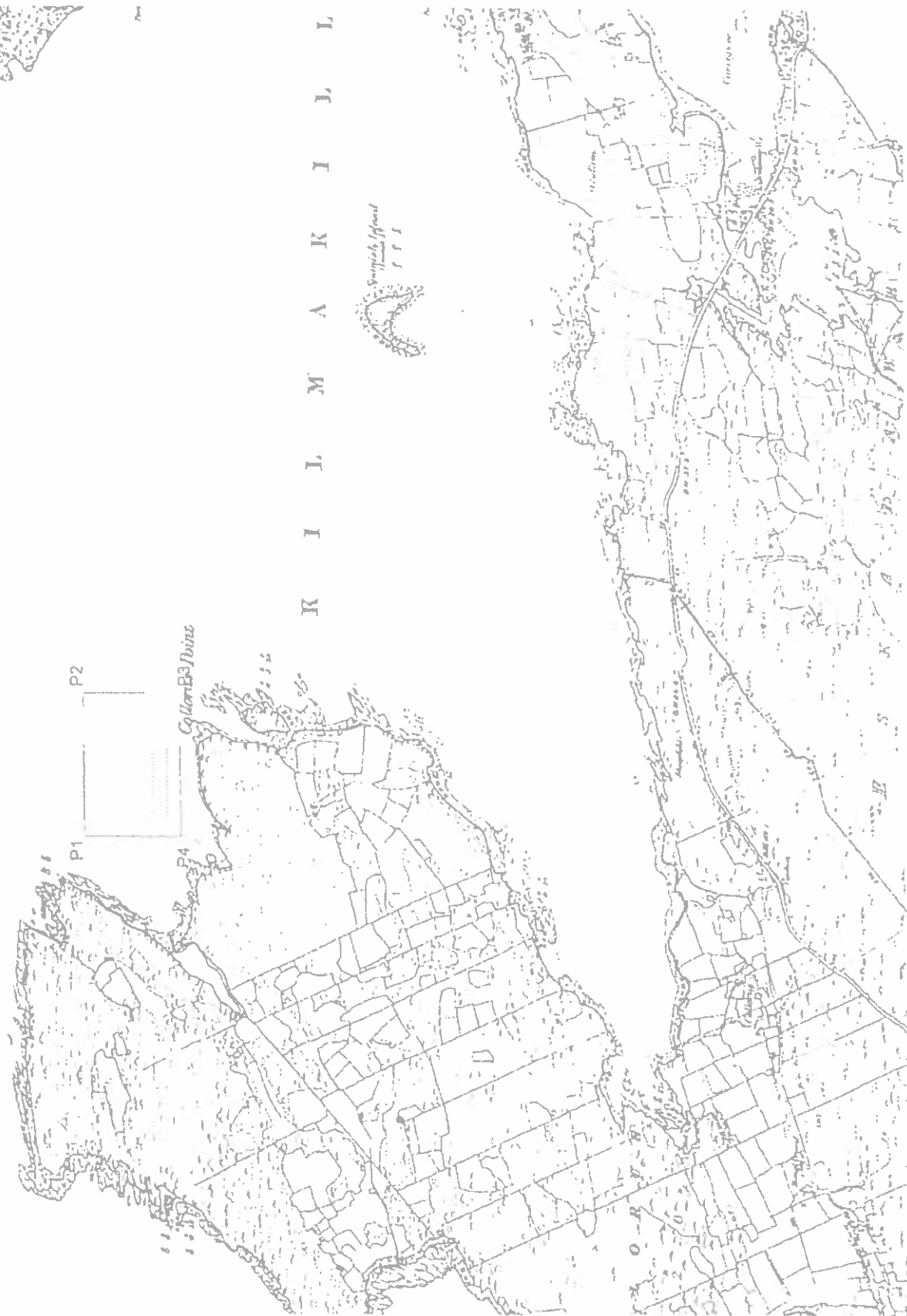
1:24,000

Sites highlighted in red denotes Application

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



II



K I L M A K I J L

Springfield
1:1

Lease Area Coordinates

- (1) 73200, 59800
- (2) 73500, 59800
- (3) 73500, 59600
- (4) 73200, 59600

Irish National Grid

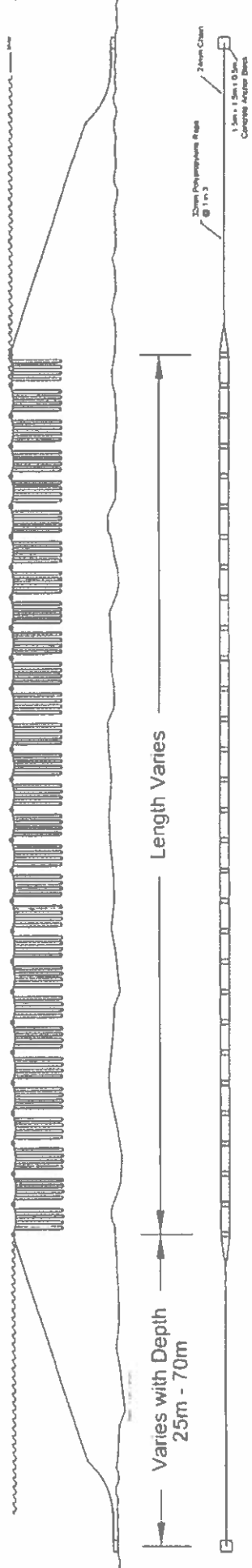
CLIENT

Kush Seafarms Ltd

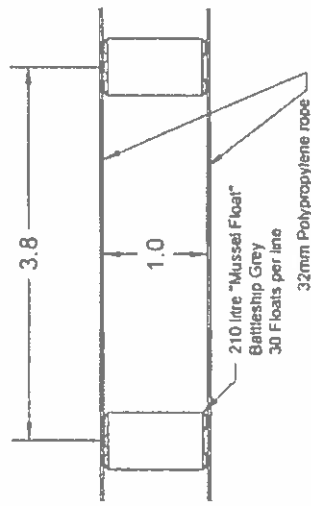
Site Location Map

This drawing is to be read in conjunction with all other CMCE drawings and any other relevant information

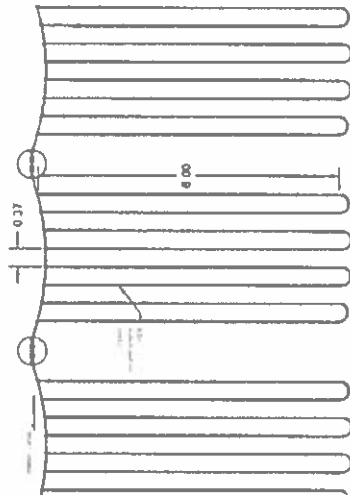
Scale: 1:10000 (as indicated on the drawing)



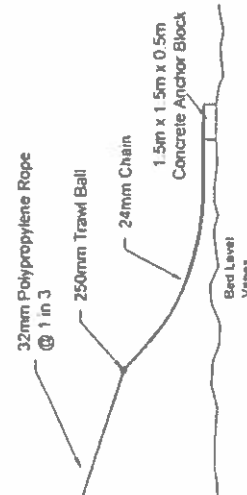
Typical Longline Section & Plan Detail
Scale 1:500



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	Rev	Date	Description	by	chd	app
	Title	Inshore Mussel Farm Longline Layout Double Headrope Longline	Scale	As Shown @ A3	Dwg No.			
			Drawn	Jan 2019				
			Checked					
			Rev					

Ms Maria Naughton,
Aquaculture and Foreshore Management Division,
Department of Agriculture, Food and Marine,
An Larionad Bia Mara Naisúnta,
Cloch na Caoilte,
Corcaigh,

Monday June 17 2019

Ref site T06/114, T06357A, T06/359A, T06/358A, T06360A, T06/361A, T06/362A & T06513, and objections attached

Dear Ms. Naughton,

In connection to your letter dated 29 May 2019 and the objections attached we have the following comments:

1. [REDACTED]
Kush Seafarms Ltd is fully paid up to date with regard to corporation tax, vat and PAYE. I [REDACTED]
[REDACTED]. Currently the shareholders are working on a valuation of the 50% share of Kush Seafarms Ltd held by Flor Harrington with a [REDACTED]
[REDACTED], [REDACTED]. I am not in a position to make further comment at this time as the matter is [REDACTED]. I am not aware of any legal reason that the Minister cannot issue a licence under The Fisheries Amendment Act 1997, [REDACTED]. The accounts speak for themselves and confirm Kush Seafarms Ltd to be a very active company, creating significant employment and exports within the sector. [REDACTED]
[REDACTED].
2. **Objection of** [REDACTED] I agree with [REDACTED] objection that further longlines should not be put out in Kilmakilloge Harbour as per BIM report by Garry McCoy. However, I do feel that every mussel farmer is entitled an equal opportunity to renew their licence. Licences T06/357A, T06/358 A, T06/359A, T06/360 A and T06/362A [REDACTED] in November 1999 by a group of mussel farmers from Kilmakilloge so no longlines were on site except on site T06/359A and T06/360A; where a mussel farmer [REDACTED]. [REDACTED] was not part of the group that [REDACTED] longlines in 1999 but did [REDACTED] In the event that the department

was to select certain licences for non-renewal, then there would need to be fair compensation with alternative sites offered in deep sheltered water or payment. [REDACTED] is not a mechanism for destocking that the Department can underwrite in the name of the Minister; well, I would hope not anyway. I am pleased that [REDACTED] concurs with my opinion that an [REDACTED] I also find it somewhat disingenuous of [REDACTED] to complain about loss of fishing ground since [REDACTED] applied for and got a licence for [REDACTED] which [REDACTED] his perspective seems a little self-serving and inconsistent.

- 3. Objection of [REDACTED].** A carrying capacity report has been carried out by Mr Gary McCoy of BIM, who recommend no new longlines in Inner Kilmakilloge and I agree with his conclusions. However, I do not agree that the density of longlines being operated by [REDACTED] is fair to all other operators and I have separately objected to [REDACTED] for that reason. Kush Seafarms are currently farming 54 hectares and have a number of partnerships as satellite enterprises who work closely with Kush Seafarms Ltd. The model that [REDACTED] refers to in the 1980ies with small farms to supplement an income is outdated. New safety legislation, which [REDACTED] means that investment in reliable craft, staff training and a raft of other measures means that scale is critical. The Irish Industry has moved on also with significant changes to the growing of mussels and the harvesting of same. Kush Seafarms invested in a state-of-the-art harvesting vessel in 2007, Bluespirit, and has built a business model for a 1000 tonne unit to justify the expenditure. [REDACTED] is correct in pointing out that profitability has suffered but not due to inefficiency as alluded by [REDACTED] but rather because the required licence were never issued to underpin the model. The business plan and model was examined and approved by BIM in grant aiding the craft Bluespirit. [REDACTED] observations highlight the need for Kush Seafarms to get the licences or equivalent licences to underpin the courageous decision taken by the company to invest in the infrastructure required to run an efficient and safe operation.

[REDACTED] observations regarding the market are valid but defeatist. Kush Seafarms Ltd has a turnover of circa. €1.5m to €2m as the company trades as well as selling its own stock. Kush Seafarms Ltd was the first company worldwide to place a value-added organic mussel on the market and is well regarded as a reliable supplier. Yes, there is severe competition at present in the sectors, which means scale is of the essence for survival. A recently as today I was contacted by the commission in Brussels (See attached) to see what obstacles could be removed to encourage rope mussel farming to mitigate climate change, as mussels are a low carbon food. Kush Seafarms Ltd was also the first company worldwide to highlight the low carbon footprint of rope mussels and in 2009 commissioned Carbon Tracking to measure the carbon footprint of a kg of rope mussel meat and to compare the carbon footprint of a EU produced mussel versus a Chilean rope mussel, see attached report. Rope mussels generate 200g of carbon, beef generated 3,400g of carbon per kg produced and we are in a Climate Change crisis, according to the Irish government; so [REDACTED] is somewhat insular and ill-informed as to the outlook for extra production. Bord Bia statistics show that Ireland is a minnow in terms of worldwide production, and extra 10,000 tonnes is a marketing challenge not gross over supply in a million-tonne market.

Applications T06/357,358,359,360,361 were the licences of the pioneers who started rope mussel farming in Kilmakilloge. The initial farmers broke new ground and created new

parodies that [REDACTED] and the [REDACTED] of rope mussel farmers have benefited for the vision of the likes of [REDACTED] [REDACTED]

[REDACTED] For [REDACTED] to suggest that the pioneers of the business, on who's shoulders he stands, are not worthy of renewal is disrespectful and selfish in the extreme. Between 1996 and 1998 [REDACTED] made arrangements with the original pioneers of the business and farmed their sites. According to [REDACTED],

[REDACTED]
[REDACTED], [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

[REDACTED] Yes, there was a growth rate problem in Kilmakilloge due to overstocking but that was not the means to resolve the matter, regardless of the difficulties between the parties. Kush Seafarms Ltd acquired the permission to seek renewal of these licences and stands over the decision taken to reapply for and acquire these licences of an equivalent site in their stead. The company view is that the pioneers of the business should be compensated for their licences by payment by Kush Seafarms Ltd on acquisition of the licences or compensation by the Minister to exit the business. [REDACTED] view and the [REDACTED] is that the pioneers are not entitled to licences or equivalent value. The difference of opinion is irreconcilable and a matter for the Minister to resolve, such are the privileges of being Minister!

Regarding [REDACTED] I have every confidence in B.I.M. and Mr Gary McCoy to judge the matter based on facts rather than [REDACTED] opinion on this matter.

The scallop fishery has not been active since 21 March 2017 as no biotoxin samples have been submitted and the SFPA has declassified the area as a classified inshore production area, rendering all scallop activity [REDACTED]

Kush Seafarms Ltd did make the arrangements that he alludes to and provides evidence for acquired through FOI (Freedom of Information) but the protracted licencing delay has rendered these arrangements void. The arrangement meant that no NEW longlines would be deployed, it was a proposed partnership to get more out of existing longlines, which seems like a good business decision. The proposal would have benefited everybody in the harbour as all the longlines in the partnership farms would be spread out over the pioneer licences and would not obstruct flow in the way that [REDACTED] operation is doing.

4. **Objection of [REDACTED]**

As outlined above no biotoxin samples have been submitted for this area since 21 March 2017, so presumably scallop fishing has taken place. The spacing of the lines on the site layout allows for pot fishing between the lines. The BIM report by Mr Gary McCoy clearly states that the site does not impact on growth in the inner harbour. The growth rate issues that [REDACTED]

[REDACTED] refers to are currently in existence, but [REDACTED] make no attempt to look for a reduction in longlines. Why? Currently the operation of [REDACTED]

[REDACTED] No thinning takes place on the [REDACTED] site, so the production method is very inefficient from a nutrient waste perspective,

with 60 of grown mussels being lost in the growth cycle. T06/513A will neither improve or disprove the current growth in the [REDACTED] site.

5. [REDACTED]: The Kilmakilloge, [REDACTED] did not exist before this application. Catch records from SFPA would need to be acquired to verify the claims. Revenue Commissioner Returns would also be necessary to verify the claims.

6. **Objection of [REDACTED]**
[REDACTED] Kush Seafarms Ltd will be using battleship grey barrels in this site in accordance with BIM and Bord Failte Guidelines. Kush Seafarms Ltd are Certified Organic under Naturland, Biosuiss and SAI Global and maintain the highest standards when it comes to the environment. To promote fresh mussels as part of the Wild Atlantic way and to see mussel farming as devaluing the Wild Atlantic way is contradictory.

Human kind have engaged in various activities since time began to preserve existence, to feed themselves and their kin, to make money and to try to develop the state.

Anthropogenic activity has altered landscapes in many ways. Longlines are just another change in a seascape that produces low carbon food, and is beneficial to the Wilde Atlantic Way. If you look across any landscape in Ireland, you will hedges and fields crossed by telegraph and electricity poles. Were at one time also considered to be eye sores and not a natural fit for the landscape? As we travel through Spain we can see acres and acres of olive trees, in France we see vineyards and in China we see rice fields. As time went on people have accepted what an agricultural landscape looks like but in some places around the world this is used as a tourist attraction. In the Spanish region of Andalucía olive groves produce $\frac{1}{3}$ of Spain's olive oil. This accounts for 10% of the world's supply and is grown in row upon row of olive trees (Chaplow, 2018). The tree was imported to the area with early settlers and today is considered a tourist attraction.

Another large-scale farming landscape is the wine region of Bordeaux. Here nearly 300,000 acres produce 2 billion Euros worth of wine each year (Schendel, 2019). The wine comes from vineyards with row after row of grape vine.

These two examples of heavily modified landscapes are not natural and are monocultures, but have become accepted and now draw tourist with an interest in those products. Mussel farming on the other hand is regarded as poly culture.

Also, wind- farms have altered the wide open space on the sides of mountains and did cause some resistance initially but this is waning as people see clean energy as a very necessary direction, due to emissions and global warming.

Each unique activity leaves it own unique fingerprint on the landscape. Over time we have become accustomed to each of these unique fingerprints on the landscape and they have now become tourist attractions.

The sympathetic view on wind farms has not readily translated to mussel aquaculture as the public do not fully understand all the environmental credentials of this type of farming. Hopefully in time this will change, and tourist will want to visit sites, to learn more about the environmental and economic benefits.

The Wild Atlantic Way travels 2750km covering over half of the republic of Irelands coast line. It has been an incredible success to coastal areas all along its route. In fact, the consumption of mussels is used to advertise and promoted the Wild Atlantic Way.

A blanket restriction of development would impact a considerable portion of coastal communities and the great demand for mussels from holiday makers in visiting Ireland.

On a side note, tourism is recognised as the most polluting industry on the planet. One has just to see the waste along the coastline of Malaga in Spain to witness what big scale tourism can do. Environmental Impact Statements are not a requirement for rope mussel farm applications, this is covered under the Appropriate Assessment as conducted by your Department.

Luckily, Kenmare is not as impacted by this, due to its' small-scale tourism and because holiday makers appreciate the tidiness of Kerry.

7. **Objection of [REDACTED]**. The navigational issue will be assessed by the statutory consultees: Irish Lights and the Marine Survey Office. We will accept their recommendations. Department of Agriculture Food and Marine as well as BIM have examined the location of the site.
8. **Objection of [REDACTED]** All the points here are covered under the response to the objection of [REDACTED] above. I would add that the operation of [REDACTED] to the industry as well as to such a [REDACTED] and [REDACTED]. Longlines are strewn within and outside the site and the total production is paltry. The words of the objector, in this case, are so contradictory with the actions of the objector that it should give cause for serious concern. Most of the objection is an autobiography on which I have no comment to make.
9. **Objection of [REDACTED]**: As [REDACTED] knows Kusch Seafarms Ltd provide crew and boats to assist with the clean up at Collorus on the Ardroom side and 80% of the waste was marine debris and 20% was aquaculture rubbish Kusch Seafarms Ltd are very conscious that 20% unacceptable, zero is our target as Ireland first Organic producer. Kusch Seafarms Ltd are working with Dave Millard BIM to organise a community clean up in Ardroom and will provide all staff on full pay as well as boats and loading equipment. Kusch Seafarms Ltd are the main providers of assistance for pier clean ups in Ardroom.
 - Rope mussel farming is sustainable as recognised by BIM, The Irish and the Directorate General for Maritime Affairs and Fisheries at the European Commission, who see rope mussel farming as a mitigation measure against Climate Change (See attached email from Yesterday)
 - Rope mussel farming is competing effectively in the market and creating jobs and exports
 - WE are actively involved in improvements on reducing waste from aquaculture and a leader in the field.
 - Kusch have no plastic waste that goes into the sea.
 - Local residents are consulted through the Public Notice place in the Kerryman that [REDACTED] has used to submit her objection.
 - Kusch Seafarms Ltd support sustainable and responsible development as verified by its certification of Organic Standards, Naturland, Biosuiss and SAI Global (Attached)

I trust that tis reply will assist you in your recommendations to the Minister in determining the licence decision.

Mise le Meas

John M Harrington M.D.