AP2-11-26

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ALAB
An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board

# Notice of Appeal Under Section 40(1) of Fisheries (Amendment) Act 1997 (No.23)
# APPEAL FORM

Please note that in accordance with Section 40(2) of the 1997 Act this form will only be accepted if delivered by **REGISTERED POST or by hand** to the ALAB offices at the following address: **Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co. Laois, R32 DTW5.**

| | |
|---|---|
| Name of Appellant (Block Letters)* | BANTRY BAY WATCH CLG |
| Address of Appellant | [redacted] |
| Eircode | [redacted] |
| Phone No. | [redacted] |
| Email address (enter below) | [redacted] |
| Mobile No. | [redacted] |

AQUACULTURE LICENCES APPEALS BOARD
28 SEP 2026
RECEIVED

* For administrativ[redacted] eal to which all correspondence in relation to the appe[redacted] e details given above, the onus is on the appellant to ensure [redacted]

## FEES

| Fees must be received by the closing date for receipt of appeals | Amount | Tick | |
|---|---|---|---|
| An appeal by an applicant for a licence against a decision by the Minister in respect of that application | €380 | | |
| An appeal by the holder of a licence against the revocation or amendment of that licence by the Minister | €380 | | |
| An appeal by any other individual or organisation | €150 | | X |
| Request for an Oral Hearing* (fee payable in addition to appeal fee)<br>*In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded | €75 | | |

Fees can be paid by way of Cheque or Electronic Funds Transfer

Cheques are payable to the Aquaculture Licences Appeals Board in accordance with the Aquaculture Licensing Appeals (Fees) Regulations, 2021 (S.I. No. 771 of 2021)

| Electronic Funds Transfer Details | IBAN: IE89AIBK93104704051067 | BIC: AIBKIE2D |
|---|---|---|

Please note the following:

1. Failure to submit the appropriate fee with your appeal will result in your appeal being deemed invalid.
2. Payment of the correct fees **must be received on or before** the closing date for receipt of appeals, otherwise the appeal will not be accepted.
3. The appropriate fee (or a request for an oral hearing) must be submitted against each determination being appealed.
4. The joinder of Appeals 42 (1) does not give rise to an entitlement to a refund of any fee paid to ALAB.(Appendix 1)

**The Legislation governing the appeals is set out at Appendix 1 below.**

## SUBJECT MATTER OF THE APPEAL

Appeal against the Ministerial decision concerning the aquaculture licence application by Silver King Seafoods Ltd for cultivation of salmon east of Deenish Island, between Ballinskelligs Bay and Kenmare Bay, Co. Kerry.

| | |
|---|---|
| Site Reference Number: -<br>(as allocated by the Department of Agriculture, Food, and the Marine) | T06/202 |

## APPELLANT'S PARTICULAR INTEREST

Bantry Bay Watch CLG is a community-based organisation concerned with the protection of Bantry Bay and the wider south-west marine environment, wild Atlantic salmon and sea trout, protected habitats, coastal communities and the sustainable use of Ireland's coastal waters. The environmental and regulatory issues arising from open-net salmon farming are not confined to a single bay and the outcome of this appeal is directly relevant to our organisation's work.

## GROUNDS OF APPEAL

State **in full** the grounds of appeal and the reasons, considerations, and arguments on which they are based)

The grounds of appeal, and the reasons, considerations and arguments on which they are based, are set out in full in the attached document headed "Bantry Bay Watch CLG - Detailed Grounds of Appeal - Site T06/202", which forms part of this Notice of Appeal and is incorporated herein. The appeal addresses the regulatory and compliance history; scale, biomass and production; wild Atlantic salmon and sea trout; sea lice, disease and escapes; scientific evidence; Appropriate Assessment; cumulative and in-combination effects; protected European sites; and monitoring and enforcement. Supporting documents include relevant extracts from the July 2025 ALAB Technical Advisors Final Report, the 2026 Appropriate Assessment essential extracts and the 24 February 2026 Appropriate Assessment Determination, and EIA Portal evidence (Portal ID 2021027).

## CONFIRMATION NOTICE ON EIA PORTAL (if required)

In accordance with Section 41(1) f of the Fisheries (Amendment) Act 1997, where an Environmental Impact Assessment (EIA) is required for the project in question, please provide a copy of the confirmation notice, or other evidence (such as the Portal ID Number) that the proposed aquaculture the subject of this appeal is included on the portal established under Section 172A of the Planning and Development Act 2000. (See Explanatory Note at Appendix 2 below for further information).

Please tick the relevant box below:

| | |
|---|---|
| EIA Portal Confirmation Notice is enclosed with this Notice of Appeal | |
| Other evidence of Project's inclusion on EIA Portal is enclosed or set out below (such as the Portal ID Number) | X |
| An EIA was not completed in the Application stage/the Project does not appear on the EIA Portal | |

EIA Portal ID: 2021027

Evidence of the project's inclusion on the EIA Portal is enclosed with this Notice of Appeal. The DAFM public file identifies the EIA Portal Confirmation Notice dated 4 February 2021.

Details of other evidence

| | | | |
|---|---|---|---|
| Signed by the Appellant | | Date | 25/09/26 |

**Please note that this form will only be accepted by REGISTERED POST or handed in to the ALAB offices**

**Payment of fees must be received on or before the closing date for receipt of appeals, otherwise the appeal will be deemed invalid.**

This Notice of Appeal should be completed under each heading, including all the documents, particulars, or information as specified in the notice and duly signed by the appellant, and may include such additional documents, particulars, or information relating to the appeal as the appellant considers necessary or appropriate."

DATA PROTECTION – The data collected for this purpose will be held by ALAB only as long as there is a business need to do so. Legal requirements in respect of transparency may necessitate the publication of appeal and appellant details may be included in an online list of appeals.

## Appendix 1.

**Extract from the Fisheries (Amendment) Act 1997 (No.23)**

40. (1) A person aggrieved by a decision of the Minister on an application for an aquaculture licence or by the revocation or amendment of an aquaculture licence may, before the expiration of a period of one month beginning on the date of publication in accordance with this Act of that decision, or the notification to the person of the revocation or amendment, appeal to the Board against the decision, revocation or amendment, by serving on the Board a notice of appeal.

(2) A notice of appeal shall be served—

(a) by sending it by **registered post** to the Board,

(b) by **leaving it at the office of the Board**, during normal office hours, with a person who is apparently an employee of the Board, or

(c) by such other means as may be prescribed.

(3) The Board shall not consider an appeal notice of which is received by it later than the expiration of the period referred to in subsection (1)

41. (1) For an appeal under section 40 to be valid, the notice of appeal shall—

(a) be in writing,

(b) state the name and address of the appellant,

(c) state the subject matter of the appeal,

(d) state the appellant's particular interest in the outcome of the appeal,

(e) state in full the grounds of the appeal and the reasons, considerations and arguments on which they are based, and

(f) where an environmental impact assessment is required under Regulation 3 of the Aquaculture Appeals (Environmental Impact Assessment) Regulations 2012 (SI No 468 of 2012), include evidence of compliance with paragraph (3A) of the said Regulation 3, and

(g) **be accompanied by such fee**, if any, as may be payable in respect of such an appeal in accordance with regulations under *section 63*, and shall be accompanied by such documents, particulars or other information relating to the appeal as the appellant considers necessary or appropriate.

42. (1) The Board may, in its discretion, treat two or more appeals as, and the appellants as parties to, a single appeal and may at any time separate such appeals.

**Please contact the ALAB offices in advance to confirm office opening hours.

**Appendix 2.**

**Explanatory Note: EIA Portal Confirmation Notice/Portal ID number**

The EIA Portal is provided by the Department of Housing, Local Government and Heritage as an electronic notification to the public of requests for development consent that are accompanied by an Environmental Impact Assessment Report (EIA Applications). The purpose of the portal is to provide information necessary for facilitating early and effective opportunities to participate in environmental decision-making procedures.

The portal contains information on EIA applications made since 16 May 2017, including the competent authority(ies) to which they are submitted, the name of the applicant, a description of the project, as well as the location on a GIS map, as well as the Portal ID number. The portal is searchable by these metrics and can be accessed at:
https://housinggovie.maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104eebb206e7e5f84b71f1

Section 41(1)(f) of the Fisheries (Amendment) Act 1997 requires that "*where an environmental impact assessment is required*" the notice of appeal shall show compliance with Regulation 3A of the Aquaculture Appeals (Environmental Impact Assessment) Regulations 2012 (S.I. 468/2012), as amended by the Aquaculture Appeals (Environmental Impact Assessment) (Amendment) Regulations 2019 (S.I. 279/2019) (The EIA Regulations)

Regulation 3A of the EIA Regulations requires that, in cases where an EIA is required because (i) the proposed aquaculture is of a class specified in Regulation 5(1)(a)(b)(c) or (d) of the Aquaculture (Licence Application) Regulations 1998 as amended – listed below, or (ii) the Minister has determined that an EIA was required as part of their consideration of an application for intensive fish farming, an appellant (that is, the party submitting the appeal to ALAB, including a third party appellant as the case may be) must provide evidence that the proposed aquaculture project that is the subject of the appeal is included on the EIA portal.

If you are a third-party appellant (that is, not the original applicant) and you are unsure if an EIA was carried out, or if you cannot find the relevant Portal ID number on the EIA portal at the link provided, please contact the Department of Housing, Local Government and Heritage for assistance before submitting your appeal form.

The Classes of aquaculture that are required to undergo an EIA specified in Regulation 5(1)(a)(b)(c) and (d) of the Aquaculture (Licence Application) Regulations 1998 S.I. 236 of 1998 as amended are:

a) Marine based intensive fish farm (other than for trial or research purposes where the output would not exceed 50 tonnes);
b) All fish breeding installations consisting of cage rearing in lakes;
c) All fish breeding installations upstream of drinking water intakes;
d) Other fresh-water fish breeding installations which would exceed 1 million smolts and with less than 1 cubic metre per second per 1 million smolts low flow diluting waters.

In addition, under Regulation 5(1) (e) of the 1998 Regulations, the Minister may, as part of his or her consideration of an application for intensive fish farming, make a determination under Regulation 4A that an EIA is required.

**BANTRY BAY WATCH CLG**

[redacted]

[redacted]

25 September 2026

The Chairperson and Members
Aquaculture Licences Appeals Board
Kilminchy Court
Dublin Road
Portlaoise
Co. Laois
R32 DTW5

**DETAILED GROUNDS OF APPEAL – ATTACHMENT TO NOTICE OF APPEAL**

**Re: Ministerial decision concerning salmon aquaculture at Site T06/202, east of Deenish Island, Co. Kerry – Silver King Seafoods Ltd / Mowi Ireland**

Dear Chairperson and Members of the Board,

Bantry Bay Watch CLG submits these detailed grounds in support of its Notice of Appeal concerning Site T06/202. This document is intended to form part of, and be read together with, the official Notice of Appeal and the supporting documents enclosed with it.

Bantry Bay Watch is a community-based organisation concerned with the protection of Bantry Bay and the wider south-west marine environment, wild Atlantic salmon and sea trout, protected habitats, coastal communities and the sustainable use of Ireland's coastal waters. Although our immediate work is centred on Bantry Bay, the environmental and regulatory issues arising from open-net salmon farming extend beyond individual bay boundaries and are relevant to the management of shared coastal ecosystems.

The regulatory history of Deenish is of particular concern. ALAB's own *Technical Advisors' Final Report – Finfish Appeal AP1/2019*, dated 8 July 2025, records that Aquaculture Licence AQ199 for Site T06/202 lapsed on 17 February 2007 and that operations subsequently continued in reliance on section 19A(4) of the Fisheries (Amendment) Act 1997. It records an allowable input of 400,000 smolts and an annual harvest restriction of 500 tonnes. It also records that a temporary amendment permitting increased standing stock expired on 31 March 2015, after which the original 400,000-smolt and 500-tonne restrictions again applied. **(ALAB Technical Advisors' Final Report, p.3.)**

The same report records that the Department's Marine Engineering Division inspected the site on 2 July 2015, considered it overstocked, and considered that stock levels were likely to result in a breach of the 500-tonne harvest limit for 2016. It further records that on 12 April 2019 the Minister decided, on the basis of the 2016 breach of the annual harvest condition, to revoke the statutory entitlement to continue aquaculture operations at T06/202. **(ALAB Technical Advisors' Final Report, p.3.)**

The Technical Advisers subsequently stated that Mowi did breach Condition 2(e) of AQ199 and recorded Mowi's later submission that the 2016 Deenish harvest batch was 1,862.91 tonnes HOG (Head On Gutted). The report also notes that the Board accepted that Condition 2(e) had been breached at its 11 April 2024 meeting. **(ALAB Technical Advisors' Final Report, p.8.)** DAFM's 2019 observations described the excess in stock harvested as 121% and stated that enforcement of licences is in the public interest in order to uphold the integrity of the State's regulatory regime. **(pp.7 and 13.)**

We recognise that the July 2025 report concerned the earlier AP1/2019 appeal and was specifically examining the consequences of the 2016 breach; it is not itself an assessment of every aspect of the present licence decision. Nevertheless, the documented compliance history is directly relevant, in our view, to the adequacy of conditions, monitoring, verification and enforcement attached to any continuing or newly authorised activity at this site.

The report also records that a new aquaculture licence application for a 33.5-hectare Deenish site was submitted on 3 March 2023. **(p.3.)** The historic site described in the report was 14.4899 hectares. **(pp.3 and 16.)** We therefore ask the Board to examine carefully the precise relationship between the historic site, the 2023 application and the area and configuration authorised by the Minister, and to ensure that the environmental assessment corresponds to the actual scale of the authorised operation.

The protection of wild Atlantic salmon and sea trout is a central concern. Inland Fisheries Ireland's 2019 observer submission, as summarised in the ALAB report, raised concerns about risks to wild salmon and sea trout from sea lice and escapees, the decline of salmon and sea trout stocks at Lough Currane, and the presence of large numbers of farmed salmon approximately 10.8 km from the mouth of the Waterville River. **(pp.5, 10–11.)** The Technical Advisers themselves state that scientific evidence confirms environmental impacts associated with marine-based salmon farms and potential implications for wild salmon and sea trout stocks in their vicinity. **(pp.10–12.)**

DAFM's observations also stated that benthic impacts are only one indicator of adverse environmental and other effects and identified risks relating to sea lice, disease, escapes and Natura sites as matters requiring consideration. **(pp.7 and 13.)** We ask the Board to scrutinise the evidence relied upon in the present decision on each of these pathways, including their potential interaction with already pressured wild salmonid populations.

The statutory and conservation context is significant. The ALAB report records that T06/202 lies within the Kenmare River SAC and within the Deenish Island and Scariff Island SPA, with a number of additional SACs and SPAs in the surrounding area. **(pp.16, 21–22 and 34–35.)** The report identifies protected habitats and species associated with those European sites and records other licensed aquaculture activities in Kenmare Bay. **(pp.16 and 21–24.)** We therefore ask the Board to ensure that cumulative and in-combination effects have been considered at an appropriate geographic and temporal scale.

The 2025 Technical Advisers' assessment contains an important qualification regarding Appropriate Assessment. While the Advisers found no evidence in the available 2015–2017 environmental data of an increased negative environmental or ecological impact attributable

specifically to the increased fish harvested in 2016, the report expressly states that there were concerns regarding how robust and complete the Appropriate Assessment relating to T06/202 was in 2016. **(p.36.)** It reviews AA material from 2012, 2017 and 2019 and notes that the 2017 assessment described the Deenish/Inisfarnard operating cycle as inputting 800,000 smolts alternately between sites and identified pressures from marine finfish farming including nutrient exchange, organic enrichment, disease risk and parasites. **(pp.36–38.)**

Most importantly, the Technical Advisers' ecological conclusion was carefully qualified. They stated that it could not be established from the environmental data and AA reports examined that there were increased ecological impacts as a result of the 2016 breach, but they also stated that it could not be conclusively determined that the breach was not likely to have any effect on wild fisheries, natural habitats, flora and fauna, including European sites. **(p.39.)** The same qualification was applied to effects on the environment generally. **(p.39.)** These conclusions are repeated in the Section 61 assessment and final conclusion on page 40. We rely on the report in its entirety and do not suggest that it made findings that it did not make.

For the present appeal, the relevant question is the adequacy of the evidence supporting the current Ministerial decision. We ask the Board to examine whether the present Appropriate Assessment and other environmental assessments are based on complete, precise, current and site-specific information, whether all relevant pathways to European sites and their qualifying interests have been identified, and whether cumulative and in-combination effects have been adequately addressed.

The scale of the activity assessed must also correspond to the scale authorised and capable of being operated. We ask the Board to compare the figures and assumptions relating to smolt input, standing biomass, stocking density, production cycles and annual harvest across the application, EIAR/EIA material, Appropriate Assessment, modelling, licence conditions and any operational plan. Given the historical importance of the 500-tonne condition and the documented breach, any material discrepancy between the scale assessed and the scale authorised warrants particularly careful scrutiny.

Effective monitoring and enforcement are fundamental. We ask the Board to examine the arrangements for stock and biomass reporting, harvest verification, sea-lice and disease monitoring, benthic monitoring, fish escapes, inspections, publication of monitoring information and enforcement of licence conditions. The previous history recorded in ALAB's report demonstrates why conditions should be objectively measurable and capable of timely independent verification.

We also ask the Board to consider the quality and currency of the scientific information relied upon. The July 2025 report itself relied, for the specific historical question before it, on environmental data from 2015–2017 and AA reports from 2012–2019. **(pp.35–39.)** Those materials are relevant to the historical record, but the present licence decision should be supported by evidence appropriate to present conditions and to the period over which the new authorisation will operate.

The economic evidence should likewise be considered in context. The Technical Advisers concluded that the Deenish project had a positive local economic impact and recorded

employment and contracting associated with the operation. **(p.35.)** Bantry Bay Watch does not disregard that evidence. We ask, however, that the Board consider the environmental and economic interests of other users and communities alongside the benefits attributed to the farm, including fisheries, angling, tourism and communities dependent upon a healthy marine environment.

The Department's EIA Portal Confirmation Notice, Portal ID 2021027, identifies the project as renewal of salmon aquaculture licence T06/202 AQ199 at Ballinskelligs Bay and records a site area of 33.5 hectares. A copy of that confirmation notice is enclosed with this appeal. We ask the Board to ensure that the environmental assessment and Ministerial decision correspond precisely with the project described and authorised.

Bantry Bay Watch is not opposed to employment, aquaculture or appropriate economic development in coastal communities. Our concern is whether intensive open-net salmon farming at this location has been demonstrated, on the basis of sufficiently current, complete and reliable evidence, to satisfy the applicable environmental and licensing requirements, and whether the licence contains adequate, enforceable safeguards for protected habitats and species, wild salmonids and the wider marine environment.

For these reasons, Bantry Bay Watch respectfully asks the Aquaculture Licences Appeals Board to undertake a full and independent examination of the Ministerial decision and the application, with particular scrutiny of the documented compliance history; the precise area and production scale authorised; the environmental and scientific evidence; Appropriate Assessment; cumulative and in-combination effects; wild salmon and sea trout; and the adequacy of monitoring and enforcement.

Bantry Bay Watch respectfully requests that, following that examination, the Board set aside the Ministerial decision and refuse the aquaculture licence that is the subject of this appeal.

Yours faithfully,

**Finbarr Lynch**
Chairperson / Director
Bantry Bay Watch CLG

**Catherine Wiseman**
Director
Bantry Bay Watch CLG

**Supporting documents referred to:**

1. ALAB, *Technical Advisors' Final Report – Finfish Appeal AP1/2019*, dated 8 July 2025 (relevant extracts enclosed).
2. EIA Portal Confirmation Notice, Portal ID 2021027 (copy enclosed).
3. Official Notice of Appeal and proof of prescribed appeal fee.

**From:** Housing Eiaportal <EIAportal@housing.gov.ie>
**Sent:** Thursday 4 February 2021 13:14
**To:** [redacted]
**Subject:** EIA Portal Confirmation Notice Portal ID 2021027

CAUTION: This email is from outside the Mowi network. You should only click links or open attachments if you recognize the sender and know the content is safe! If you have a doubt, Click 'Report Phishing – Mowi IT' in Outlook.

A Chara,

An EIA Portal notification was received on 04/02/2021 in respect of this proposed application. The information provided has been uploaded to the EIA Portal on 04/02/2021 under EIA Portal ID number **2021027** and is available to view at http://housinggovie.maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1.

**Portal ID:** 2021027

**Competent Authority:** Minister for Agriculture, Food and the Marine

**Applicant Name:** Comhlucht Iascaireachta Fanad Teoranta

**Location:** Ballinskelligs Bay, Co. Kerry.

**Description:** Application for renewal of salmon aquaculture licence T06/202 AQ199 in Ballinskelligs Bay, Co. Kerry. Total site area, to include moorings, is 33.5 hectares.

**Linear Development:** No

**Date Uploaded to Portal:** 04/02/2021

Regards

[redacted]
EIA Portal team

**An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta**
Department of Housing, Local Government and Heritage

Teach an Chustaim, Baile Átha Cliath 1. D01 W6X0
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ALAB
An Bord Achomhairc Um
Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board

# Technical Advisors' Final Report – Finfish Appeal

## Appeal Ref No. AP1/2019

## Appeals description:

Appeal against the decision of the Minister to revoke the statutory entitlement of Silver King Seafoods Ltd., a wholly owned company of Mowi Ireland, to continue aquaculture operations at site T06/202, Deenish Island, Co Kerry.

[redacted]

**Date of site inspection: 29 April 2025**

# 1.0 General Matters / Appeal Details

## 1.1 Background to Aquaculture Licence AQ199 for site T06/202

A licence for the engagement of farming fish at the Deenish site was issued to Salmara Fisheries Ltd. on the 08 March 1990 and a subsequent Fish Culture Licence (FCL) was issued to Gaelic Seafoods (Ireland) Ltd. on the 30 January 1995.

The 1995 Gaelic Seafoods licence was assigned to Murpet Fish Ltd. on the 15 November 1999, and subsequently assigned to Silver King Seafoods Ltd. on the 31 July 2004.

In 2008 Comhlucht Iascaireachta Fanad Teoranta trading as Mowi Ireland, acquired Silver King Seafoods Ltd.

Since 2008 the Deenish site has been operated by Mowi Ireland and Mowi Ireland first stocked the site in 2010.

The site is 14.4899-hectares in area.

The Aquaculture Licence (AQ199) for the site (T06/202) lapsed on 17 February 2007 and Mowi Ireland have continued to operate in reliance on Section 19A (4) of the Fisheries (Amendment) Act 1997.

Silver King Seafoods Ltd. applied for a renewal of the Licence on 05 February 2007 however a decision has not been made on the renewal licence application to date. Aquaculture Licence AQ199 has an allowable input of 400,000 smolts and an annual harvest restriction of 500 tonne

A temporary amendment to the licence was granted on the 31 October 2012, allowing for increased standing stock, for the period up to and including the 31 March 2015.

From 01 April 2015 the entitlement to continue to operate reverted to the original condition of an allowable input of 400,000 smolts and an annual harvest restriction of 500 tonnes.

The Department's Marine Engineering Division's Deenish site inspection on the 02 July 2015 considered that the site was overstocked. The Department also considered that the stock levels were likely to result in a breach of the harvest limit of 500 tonnes for 2016.

Correspondence between the Department and Mowi took place in relation to these issues and the on the 12 April 2019 the minister decided on the basis of a breach in 2016 of the annual harvest limit specified in condition 2(e), to revoke the statutory entitlement of Silver King Seafoods Ltd., a wholly owned company of Mowi Ireland, to continue aquaculture operations at site T06/202, Deenish Island, Co Kerry.

To note Mowi submitted an application for a new Aquaculture Licence, for a 33.5 Hectare site at Deenish (see figure 2 new application site boundary) on the 03 March 2023. The application is currently being processed by the Department's Aquaculture and Foreshore Management Division.

| | | |
|---|---|---|
| 3. | Effect of the Ministers Determination on the local economy | The Appellant claims that the Determination will have substantial impacts on the overall operation of Mowi Ireland and that it will have potential consequences for the economy of the local area. |
| 4. | The Department's lack of progress in determining licence applications | The Appellant claims delays in progressing applications and failure to implement Maximum Allowable Biomass (MAB) for finfish licences is negatively impacting the development of the aquaculture sector. |
| 5. | Condition 2(e) of the licence should be substituted with a condition which provides for the control production by reference to the MAB | The Appellant states that Condition 2(e) requires revision and review. Mowi are seeking amendment to the terms of the Licence to allow for the application of a MAB which will regularise the Deenish Licence and would be in line with internationally recognised sustainable farming practices. |

## 1.5 Observer submissions

Five third-party observer submissions were received in relation to appeal AP1/2019. The key points in each of the third-party observer submissions are as follows:

1. [redacted] received 15 May 2019: The observer states that the restoration of the licence would undermine the integrity of the licensing process. The observer has concerns regarding the environmental impact of the farm and the potential impact to Lough Currane salmon stock.

2. [redacted] received 18 May 2019: The observer supports the revocation of the licence.

3. Inland Fisheries Ireland (IFI) received 07 June 2019: IFI have concerns regarding the risk to wild salmon and sea trout stocks due to potential negative effects from sea lice and escapees. IFI also have concerns regarding the decline in stocks of salmon and sea trout at Lough Currane and the impact of large numbers of farmed salmon located 10.8 km from the mouth of the Waterville River. IFI state that they support the Minister's decision to discontinue the aquaculture licence at the Deenish Island site.

4. Galway Bay against Salmon Cages received 07 June 2019: The observer asks the Board to uphold the Minister's determination and raises concerns with regard to the breach

of licence and also regarding overstocking, sea lice, the decline in salmon and sea trout stocks in rivers on the west coast and generally in relation to all open sea cage salmon farming. The observer states that if the Minister had not taken any action, a precedent would have been set whereby Mowi or any other operator would not be sanctioned for breaching the conditions of their licence and it would be perceived by the public that the regulatory authorities could be ignored. The observer requests that the minister/licensing authority move to land closed cage containment systems.

5. Salmon Watch Ireland Submission received 09 June 2019: The observer endorses the minister's decision to revoke the licence. The observer is seeking enforcement of the license by discontinuing the entitlement to continue aquaculture operations. The observer states that Mowi's submissions illustrate that it understood the terms and conditions of the licence and chose not to comply with them. The observer states that failure to enforce the licence would undermine public trust in the regulatory regime. They also contend that benthic studies which are carried out annually are not a sufficient indicator especially considering the location of the Deenish farm. The observer highlights that the tonnage on site prior to harvest in May 2018 was reported as 1533 Tonnes.
   The observer raised further concerns in relation to the impact of overstocking of the site, the decrease in sea trout stocks in the Waterville area, the collapse in angling tourism, losses to the economy, the potential licence breach regarding the lack of a movement order, issues with effluent from the farm due to over stocking and they claim that insufficient benthic studies and inspections are carried out.
   The observer states that ocean currents and exposure to high winds at the site negate the results of the benthic studies and that due to the conditions at this site and the very open coastal area, effluent and other materials can travel widely from this site and will not be picked up by localised inspection.
   The observer states that the tonnage on site in 2018 was 1,533 tonnes.
   The observer goes on to states that "not to act would signal a complete collapse of public trust in the regulatory regime."
   SWI also claim that Mowi were non-compliance and non-cooperative.

The above key points are addressed in Section 1.7 of this report.

## 1.6 Minister's Response

The Minister may submit a response to appeal submissions under the provision set out in Section 44(2) of the Fisheries Amendment Act 1997 which states:

*"The Minister and each other party except the Appellant may make submissions or observations in writing to the Board in relation to the appeal within a period of 30 days beginning on the day on which a copy of the notice of appeal is sent to that party by the Board*

*and any submissions or observations received by the Board after the expiration of that period shall not be considered by it"*

Judicial Review proceedings were initiated by Mowi in May 2019, in respect of the Minister's decision and the Court ordered a stay on ALAB considering and determining the appeal made by them in respect of the Minister's decision pending the final determination of the proceedings.

The Minister submitted observations on the 19 December 2019, following the lifting of the Court ordered a Stay on Monday 02 December 2019.

In the submission DAFM reiterate the view that the Minister's decision to treat the licence as discontinued is warranted by the undisputed facts of this case and they state that the decision is proportionate having regard to the very significant excess in stock harvested (121% excess).

DAFM outline how it is clearly in the public interest that the Department enforce licences issued to operators in order to uphold the integrity of the State's regulatory regime.

In relation to Mowi's argument of no adverse environmental effects DAFM state that benthic impacts are only one indicator of adverse environmental and other effects and DAFM refer to other matters that should be considered including risks relating to sea lice, diseases, escapes, natura sites.

DAFM state that it has not to date received an application from the Appellant to amend the applicable licence to reflect harvesting by reference to MAB. DAFM state that the Appellant has not submitted the Environmental Impact Statement necessary to support the request for the change to MAB.

DAFM state that the current capping mechanism on harvesting based on tonnage harvested is viable and is the basis on that which the finfish industry generally in Ireland operates.

DAFM claim that this view is supported by the Marine Institute and DAFM go on to state that MAB would need to be calculated to reflect the current licence conditions at all currently licensed sites and that such a protocol/metric would need to be objective, transparent and independently validated. DAFM also state that such a protocol/metric should be subject to consultation and peer review. DAFM believe the conversion to MAB would represent a significant and material change to a licence and require an Environmental Impact Statement.

## 1.7 TA's Evaluation of the Appeal Received, Observers' Submissions and Minister's Response

Appeal Received:

| Appeal | Appeal Issues Raised: | Technical Advisors response: |
|---|---|---|
| **AP1/2019**<br>Site T06/202<br><br>Appellant:<br>Mowi Ireland<br><br>Applicant:<br>Mowi Ireland | 1. Legislative:<br>The Appellant is refuting the claim that they breached condition 2(e) of licence AQ 199 'the Licensee shall not harvest more than 500 tonnes (dead weight) of salmon in any one calendar year'.<br><br>2. Environmental Impacts:<br>The Appellant states that there is no evidence to conclude that there was an increase in the effluent discharged from the site as a result of the number of stock harvested in 2016.<br><br>3. Effect of the Ministers Determination on the local economy:<br>The Appellant claims that the Determination will have substantial impacts on the overall operation of Mowi Ireland and that it will have potential negative consequences for the economy of the local area.<br><br>4. The Department's lack of progress in determining licence applications:<br>The Appellant claims delays in progressing applications and failure to implement MAB for finfish licences is negatively impacting the development of the aquaculture sector.<br><br>5. Condition 2(e) of the licence should be substituted with a condition which | 1. The argument that Mowi make that because no 'harvesting' took place at the Deenish Site in 2016 that there could not be any breach of condition 2(e) is a weak one. Mowi argue that that the term 'harvest' is not defined in the Licence and when originally issued in 1995 harvesting (i.e., the killing of live salmon) took place at the pens.<br>The TA is of the opinion that Mowi did breach condition 2(e) of licence AQ 199.<br>To note Mowi Ireland subsequently submitted on 21 July 2020 that the harvest batch from the Deenish site in 2016 was 1,862.91 tonnes HOG (Head On Gutted).<br>Also to note the Board accepted that Mowi did breach condition 2(e) of licence AQ 199 at the 11 April 2024 Board meeting.<br><br>2. The TA agrees with this statement. It is not possible to conclude, on the basis of the environmental data from the period, that there was an increase in the effluent discharged from the site as a result of the number of stock harvested in 2016. The above statement relates to the breach of condition 2(e) that occurred in 2016 and is distinct from any increased effluent |

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| | provides for the control production by reference to the MAB | discharged due to overstocking which may have occurred from the 01 April 2015.<br><br>3. The TA agrees that the Determination will have potential negative impacts on the local economy. The TA is not in a position to determine the economic impacts on the overall operation of Mowi Ireland. (see 5.4 Economic Effects)<br><br>4. The Department's lack of progress in determining licence applications, whether MAB should be implemented across all finfish licences and its relevance to the determination of this appeal is a matter for the ALAB Board.<br>To note DAFM state in their response received on the 19 December 2019 that they have not to date received an application from the Appellant to amend the applicable licence to reflect harvesting by reference to MAB.<br><br>5. Noted. The TA is of the opinion that this is a matter for the Board which has been provided with legal advice on whether it has the power to amend the licence as part of its determination of this appeal. |

Observers' Submissions:

| Observer | Issues Raised: | Technical Advisors response: |
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| Mr. Jack Power, received 15 May 2019 | The observer states that the restoration of the licence would undermine the integrity of the licensing process.<br><br>The observer has concerns regarding the environmental impacts of the farm and the potential impact to Lough Currane salmon stock. | Whether the restoration of the licence would undermine the integrity of the licensing process is not an issue that the TA can conclude on at this time; this is a matter for the Board to consider in the exercise of its discretion.<br><br>While scientific evidence confirms that there are environmental impacts associated with marine-based salmon farms and potential implications for wild salmon stocks in the vacinity of marine-based salmon farms, the environmental impact of the Deenish salmon farm is not the principal issue at hand in this report. The principal environmental issue is whether the breach of condition 2(e) of Aquaculture Licence AQ 199, which occurred in 2016, and the actual or potential adverse environmental impacts of that breach and whether it resulted in overall increased negative environmental impacts. |
| Jenifer Corcoran, received 18 May 2019 | The observer supports the revocation of the licence. | Noted |
| Inland Fisheries Ireland (IFI), received 07 June 2019 | IFI have concerns regarding the risk to wild salmon and sea trout stocks due to potential negative effects from sea lice and escapees. IFI also have concerns regarding the decline in stocks of salmon and sea trout at Lough Currane and the impact of large numbers of farmed salmon located | While scientific evidence confirms that there are environmental impacts associated with marine-based salmon farms and potential implications for wild salmon and sea trout stocks in the vicinity of marine-based salmon farms, the environmental impact of the Deenish salmon farm is not the principal issue at hand in this report. |

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| | 10.8 km from the mouth of the Waterville River.<br><br>IFI state that they support the Minister's decision to discontinue the aquaculture licence at the Deenish Island site. | The principal environmental issue is whether the breach of condition 2(e) of Aquaculture Licence AQ 199, which occurred in 2016, and the actual or potential adverse environmental impacts of that breach and whether it resulted in overall increased negative environmental impacts.<br><br>Noted |
| Galway Bay against Salmon Cages, received 07 June 2019 | The observer has issues with the breach of licence and also regrading regarding overstocking, sea lice, the decline in salmon and sea trout stocks in rivers on the west coast and generally in relation all open sea cage salmon farming.<br><br>The observer states that if the Minister had not taken any action, a precedent would have been set whereby MOWI or any other operator would not be sanctioned for breaching the conditions of their licence and it would be perceived by the public that the regulatory authorities could be ignored.<br><br>The observer requests that the minister/licensing authority move to | While scientific evidence confirms that there are environmental impacts associated with marine-based salmon farms and potential implications for wild salmon and sea trout stocks in the vicinity of marine-based salmon farms, the environmental impact of the Deenish salmon farm is not the principal issue at hand in this report. The principal environmental issue is whether the breach of condition 2(e) of Aquaculture Licence AQ 199, which occurred in 2016, and the actual or potential adverse environmental impacts of that breach and whether it resulted in overall increased negative environmental impacts.<br><br>This is a matter for the Board to consider in the exercise of its discretion.<br><br>Noted |

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| | land closed cage containment systems. | |
| Salmon Watch Ireland (SWI), received 09 June 2019 | The observer endorses the minister's decision to revoke the licence. The observer is seeking enforcement of the license by discontinuing the entitlement to continue aquaculture operations. | Noted |
| | The observer raised concerns regarding the impact of overstocking of the site, the decrease in sea trout stocks in the Waterville area, the collapse in angling tourism, losses to the economy, the potential licence breach regarding the lack of a movement order, issues with effluent from the farm due to over stocking and they claim that insufficient benthic studies and inspections are carried out. | While scientific evidence confirms that there are environmental impacts associated with marine-based salmon farms and potential implications for wild sea trout stocks in the vicinity of marine-based salmon farms, the environmental impact of the Deenish salmon farm is not the principal issue at hand in this report.<br>The principal environmental issue is whether the breach of condition 2(e) of Aquaculture Licence AQ 199, which occurred in 2016, and the actual or potential adverse environmental impacts of that breach and whether it resulted in overall increased negative environmental impacts. |
| | The observer states that oceanic currents and exposure to high winds at the site negate the results of the benthic studies and that due to the conditions at this site and the very open coastal area, effluent and other materials can travel widely from this site and will not be picked up by localised inspection. | See section 5.4 in relation to economic effects. |
| | The observer states that the tonnage on site in 2018 was 1533 tonnes | Noted |
| | The observer goes on to states that "not to act would signal a complete collapse of public trust in the regulatory regime." | Noted |
| | SWI also claim that Mowi were non-compliance and non-cooperative. | Noted |

Ministers Response:

| Minister's Submission | Issues Raised: | Technical Advisors response: |
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| DAFM Observations received 19 December 2019 | 1.DAFM state that the decision is proportionate having regard to the very significant excess in stock harvested (121% excess). | 1. Noted by TA. The determination as to whether the decision to revoke aquaculture licence T06/202 was warranted will be made by the ALAB Board. |
| | 2.DAFM outline how it is clearly in the public interest that the Department enforce licences issued to operators in order to uphold the integrity of the State's regulatory regime. | 2. Noted by TA. Submissions in relation to the public interest are a matter for the Board |
| | 3.In relation to Mowi's argument of no adverse environmental effects DAFM state that benthic impacts are only one indicator of adverse environmental and other effects and DAFM refer to other matters that should be considered including risks relating to sea lice, diseases, escapes, natura sites. | 3. See sections 5.5 and 5.6 in relation to the assessment of ecological and environmental impacts, as a result of the 2016 breach of Condition 2(e) of licence AQ 199, based on the assessment of environmental data from 2015 through to 2017 and following an assessment of AA reports produced between 2012 and 2019. |
| | 4.DAFM state that it has not to date received an application from the Appellant to amend the applicable licence to reflect harvesting by reference to MAB. | 4. Noted |
| | 5.DAFM state that the Appellant has not submitted the Environmental Impact Statement necessary to support the request for the change to MAB. | 5. Noted |
| | 6.DAFM state that the current capping mechanism on harvesting based on tonnage harvested is viable and is the basis on that which the | 6. Noted |

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| | finfish industry generally in Ireland operates. | |
| | 7.DAFM state that MAB would need to be calculated to reflect the current licence conditions at all currently licensed sites and that such a protocol/metric would need to be objective, transparent and independently validated. DAFM also state that such a protocol/metric should be subject to consultation and peer review. DAFM believe the conversion to MAB would represent a significant and material change to a licence and require an Environmental Impact Statement. | 7. Noted |

## 1.8 ALAB Technical Advisors Site Inspection

ALAB Technical Advisors [redacted] carried out an inspection of the site on 29 April 2025. The subsequent site inspection report concluded that there are areas to be considered under Section 61 of the 1997 Act relevant to the revocation which have not been fully answered in the Minister's file submitted to ALAB in relation to this appeal.The recommendation of the site inspection report was that a full Section 61 assessment is carried out as part of the Deenish Appeal Final Report (see pages 34 to 40 Section 61 assessment).

## 1.9 ALAB Technical Advisors Section 61 Assessment

Section 61 of the Fisheries (Amendment) Act 1997 outlines the matters that must be considered, as may be appropriate in the circumstances of the particular case, when determining applications for aquaculture licenses, appeals against decisions on licenses, or revocations/amendments of licenses. These considerations include Site Suitability, Other uses, Statutory Status, Economic effects, Ecological Effects, General Environmental Effects and Effect on man-made heritage.

With regards to Deenish Appeal Final Report Section 61 assessment the TAs are considering the assessment in the context of the breach of condition 2(e) of Aquaculture Licence AQ 199, which occurred in 2016, and the revocation of the statutory entitlement to operate on that basis.

# 3.0 Context of the Area

## 3.1 Physical descriptions

Deenish Island is located off the Coast of County Kerry. The island is 122 acres in area and its highest point is 144m above sea level. Deenish is in the Atlantic Ocean approximately 1 km east of Scariff Island and 6 km west of Hogs Head. The island is uninhabited and grazed by sheep. Deenish lies on the northern entrance to Kenmare Bay. (See figures 1 and 2).

Aquaculture licence site T06/202 lies on the eastern side of Deenish Island and as such is sheltered from westerly and southerly swells. The seafloor underneath the northern section of the site is primarily flat. Sediments in this area are predominantly sands (ranging to fine and medium sand) with varying proportions of coarse shell fragments. Water depths increase toward the southern side of the site. The sea floor under the southern section of the site is uneven and comprises of gravel and rocky reef.

The 14.4899-hectare site currently consists of ten pens (with space for an additional two pens). Each pen is 18m deep, consisting of a 10m wall that is conical for the final 8m. All 10 pens have a similar construction. The pens are moored in a grid system where each pen is secured to an underwater grid with 8 mooring lines.

At four corners of the site there are navigation lights and radar reflectors for maritime navigation traffic purposes

Site T06/202 is located within the Kenmare River Special Areas of Conservation (SAC) and the Deenish Island and Scariff Island Special Protected Areas (SPA) (See figures 7 and 8).

There are several other licensed aquaculture sites in Kenmare Bay, licensed for European Flat Oyster, Blue Mussel, Pacific Oyster, Stony Sea Urchin, Red Seaweeds, Brown Seaweeds species, Atlantic salmon and Rainbow Trout.

Valentia Observatory experiences significantly higher rainfall compared to most other parts of Ireland and the predominant winds are westerly.

Valentia Observatory generally experiences milder temperatures compared to other parts of Ireland due to its location on the coast and the influence of the Gulf Stream. Valentia generally has higher average temperatures and more sunshine when compared to Dublin and other inland locations.

## 3.2 Resource Users

Fishing and aquaculture activities in Kenmare Bay include pot fishing for crab/brown crab, lobster and shrimp and a larger scale shrimp fisheries occur in the inner Kenmare River.

Pair trawling for sprat also occurs in the area.

## 3.3 Statutory Status

### 3.3.1 Nature Conservation Designations

*Special Areas of Conservation (SAC)*

The Deenish licence AQ199 for site T06/202 which is the subject of the appeal before ALAB is within the Kenmare River SAC (site code: 002158) and the two closest SACs are the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (5km distance and site code IE000365) and the Ballinskelligs Bay and Inny Estuary SAC (5.2km distance and site code IE000335).

The Qualifying Interests for the Kenmare River SAC are:

Large shallow inlets and bays [1160]
Reefs [1170]
Perennial vegetation of stony banks [1220]
Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]
Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]
Mediterranean salt meadows (Juncetalia maritimi) [1410]
Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]
Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]
European dry heaths [4030]
Juniperus communis formations on heaths or calcareous grasslands [5130]
Calaminarian grasslands of the Violetalia calaminariae [6130]
Submerged or partially submerged sea caves [8330]
Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]
Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]
Phocoena phocoena (Harbour Porpoise) [1351]
Lutra lutra (Otter) [1355]
Phoca vitulina (Harbour Seal) [1365]

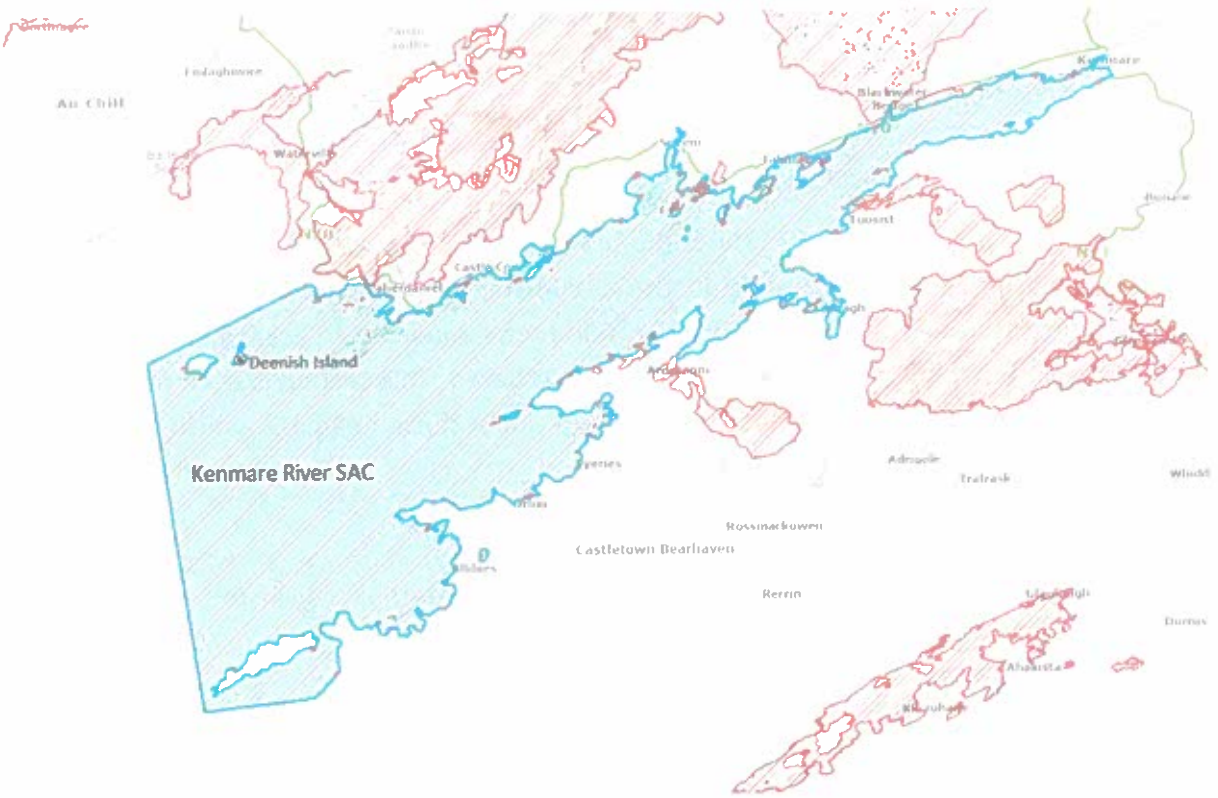



Figure 7: Boundary of Kenmare River SAC in blue and adjacent SACs in red. (Source: NPWS Designations viewer, 12 June 2025).

*Special Protected Areas:*

The Deenish licence site area which is the subject of this appeal is within the Deenish Island and Scariff Island SPA (site code IE002158), 3.3km from the Iveragh Peninsula SPA (site code IE004154), 10.5km from the Beara Peninsula SPA (site code IE004155), 16km from the Puffin Island SPA (site code IE004003), 16.5km from the Bull and The Cow Rocks SPA (site code IE004066) and 20km from the Skelligs SPA (site code IE004007).

The Qualifying Interests for the Deenish Island and Scariff Island SPA are:

Fulmar (Fulmarus glacialis) [A009]
Manx Shearwater (Puffinus puffinus) [A013]
Storm Petrel (Hydrobates pelagicus) [A014]
Lesser Black-backed Gull (Larus fuscus) [A183]
Arctic Tern (Sterna paradisaea) [A194]

Mowi responded with Kenmare Bay Water Quality Monitoring reports from 2015 through to 2019 and with Benthic Monitoring reports from 2016, 2017, 2018 and 2019.

## 5.0 Section 61 Assessment

Section 61 (a-e) of the 1997 Act outlines the matters which the licensing authority shall take account of, as may be appropriate in the circumstances of a particular case, when an application for or an appeal regarding a decision on an aquaculture licence application or a revocation or amendment of a licence is being considered. This section is used to assess the impact of the proposed aquaculture development under these headings, which are listed in 5.1 – 5.9 below.

### 5.1 Site Suitability

Section 61 (a) refers to the suitability of the place or waters in which the aquaculture is proposed to take place.

The Deenish site lies to the eastern side of Deenish Island and as such is sheltered from westerly and southerly swells. The site is in a visually isolated area i.e. the site is not easily seen or noticed from other locations. The site has been in operation as a Salmon farm since 1989.

In my opinion the Deenish site is suitable in principle for salmon farming.

### 5.2 Other uses

Section 61 (b) takes account of other beneficial uses, both in existence or future in the place and / or waters of the proposed site.

It can be determined that there are and were in 2016, no other users of the Deenish site maritime area. (see section 3 for more detail).

### 5.3 Statutory Status

Section 61 (c) refers to the statutory status of the place or waters under consideration including the provisions of any development plan.

The relevant Kerry County Development Plan Objectives are set out in section 3.3.3 and range from supportive to restrictive of aquaculture in the county. None of the objectives are determinative as to whether the given aquaculture should be located at site T06/202 and in particular at the stocking levels associated with the harvested tonnage in 2016.

Aquaculture licence site T06/202 which is the subject of the appeal before ALAB is within the Kenmare River SAC (site code: 002158) and the two closest SACs are the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (5km distance and site code IE000365) and the Ballinskelligs Bay and Inny Estuary SAC (5.2km distance and site code IE000335).

Aquaculture licence site T06/202 which is the subject of the appeal before ALAB is within the Deenish Island and Scariff Island SPA (site code IE002158), 3.3km from the Iveragh Peninsula SPA (site code IE004154), 10.5km from the Beara Peninsula SPA (site code IE004155), 16km from the Puffin Island SPA (site code IE004003), 16.5km from the Bull and The Cow Rocks SPA (site code IE004066) and 20km from the Skelligs SPA (site code IE004007).

Possible ecological impacts on European sites have been considered in the context of Appropriate Assessment reports from the years 2012 through to 2019 – see section 5.5.

Aquaculture licence site T06/202 is not in a designated shellfish growing water area (see section 3.3.4).

## 5.4 Economic effects

Section 61 (d) refers to the likely effect a proposed aquaculture development (or its amendment/revocation) would have on the economy of the area in which the aquaculture is to be located.

The existing project has a strong positive impact on the local economy, employing 4 full time on-site staff, 4 contract divers to carryout weekly inspections, a fish health inspector and net cleaning team is employed onsite on a 10 – 14-day cycle moving between farms, a contract haulage company engaged to transport the fish to Donegal and transport fish feed to farms, maintenance staff deployed when required and 3 full time site support staff employed in the Castletownbere monitoring station.
The project at the time of the 2019 Appeal being lodged, employed 6 full time staff and a number of contract and part-time processing staff.

The revocation of the entitlement to continue to operate at Deenish would be likely to have a significant direct negative effect on the current staff and on the economy of the local area.

It is determined that the project has and had in 2016, a positive impact on the local economy.

## 5.5 Ecological Effects

Section 61 (e) refers to the likely effect that the proposed aquaculture operation would have on wild fisheries, natural habitats and flora and fauna.

An assessment of the potential and observed environmental and ecological impacts, as a result of the breach of Condition 2(e) of licence AQ 199, was carried out by the ALAB TA in April 2024. The TA assessed all available environmental data in relation to the Deenish site from the years 2015 through to 2017. The subsequent report to the Board (dated 12 April 2024) addressed any measurable environmental or ecological impacts or both that would have resulted from the 2016 recorded harvest.

The report addressed:

i. Impacts on benthos, both directly under the site and nearby,

ii. Impacts on surrounding water quality, including status under the Water Framework Directive,
iii. Potential for an increase in disease and pest risk including sea lice numbers,
iv. Risk of introducing Invasive species,
v. Potential for an increased risk of escaped fish and the negative impacts of such and
vi. Potential negative impacts on Protected species, habitats and sites, including those protected under the Birds and Habitats Directives

The TA found no evidence that the available data indicated an increased negative environmental or ecological impact due to the increased fish harvested from the Deenish Site T06/202 in 2016 under the headings examined (categories i to vi above).

Benthic and water quality values did not show any declining values.

Sea lice showed an increase but only for one month and at a time of year where sea lice infestation is known to cause a reduced impact to wild fish.

There was no evidence of escape events, serious disease outbreaks or introductions of invasive species.

The TA went on to state that she had concerns regarding how robust and complete the Appropriate Assessment (AA) relating to Site T06/202 was in 2016.

I have reviewed the following Appropriate Assessment reports from the years 2012 through to 2019, for the purposes of considering possible ecological impacts on European sites as a result of the breach of condition 2(e) of licence AQ 199:

1. Natura Impact Statement, for salmon farm installation at Deenish Island, Watermark Aqua Environmental, June 2012
2. Report supporting Appropriate Assessment of Aquaculture and Fisheries Risk Assessment in Kenmare River SAC, October 2017
3. Report supporting Appropriate Assessment of Aquaculture and Fisheries Risk Assessment in Kenmare River SAC, March 2019 and the
4. Appropriate Assessment Conclusion Statement by Licensing Authority for aquaculture activities in Kenmare River SAC, September 2019

<u>Natura Impact Statement, for salmon farm installation at Deenish Island, Watermark Aqua Environmental, June 2012:</u>

The NIS considers the risks of direct impacts on the [at the time candidate] Kenmare River SAC and also on the Deenish Island and Scariff Island SPA. The report also considers the possibility of indirect risks on all other European site within a 20km radius.

The report finds no risks to Otter, Harbour Seal and Lesser horseshoe bat in the candidate Kenmare River SAC as it is stated that none are recorded as inhabitants in the vicinity of Deenish or Scariff Islands.

Haul-outs of Harbour and Grey seal are regarded as being too far away from the Deenish farm site for risks of direct impacts to be considered significant.

The report states that the Deenish farm site occupies no more than 3% of the Deenish Island and Scariff Island SPA marine area designated and the nesting areas of the protected species are on the opposite side of both the Deenish Island and Scariff Islands. The report then concludes that there is no significant risk of impact on seabirds as a result of spatial obstruction, noise and activity, smell, waste discharges or any other cause arising from the Deenish salmon farm.

The conclusions of the June 2012 NIS are representative of marine environment NISs carried out at that time.

The ALAB Board determined at its meeting on the 31 October 2012 to grant a two-year amendment to Aquaculture Licence AQ199 which was assigned to Silver King Seafoods Limited, thereby permitting the cultivation of salmon at Deenish Island, Ballinskelligs Bay, Co Kerry subject to the enforcement of a number of special conditions in the Schedule attached to the said licence.

Report supporting Appropriate Assessment of Aquaculture and Fisheries Risk Assessment in Kenmare River SAC, October 2017:

The October 2017 report supporting AA of Aquaculture and Fisheries Risk Assessment in Kenmare River SAC is the most applicable report to the 2016 recorded harvest. The report assesses all aquaculture and fishing activities taking place in Kenmare Bay.

The report describes the Deenish and Inisfarnard projects and acknowledges the method of stocking that was taking place at the Deenish and Inisfarnard sites at the time, stating that 'The sites operate on a two-year annual alternate site stocking cycle, inputting 800,000 smolts, to each site alternately and harvesting them in year two from months 16 to 22. The site is then left fallow for two months before next smolt input.'

The Natura Impact Statement, contained within the report, outlines the impacts of marine finfish farms in terms of disease and parasite management and pressures in terms of nutrient exchange, organic enrichment, disease risk and shading.

The report carries out an aquaculture activity Screening for AA and the qualifying interests' Large shallow inlets & bays (1160), Reef (1170), Otter (1355) and Harbour Seal (1365) are included for further consideration.

Salmon in net pens is determined to be non-disturbing to Large shallow inlets & bays and Reef community types due to the low levels of overlap between the pens and these habitats (0.08% to 0.35%).

Salmon in net pens is also determined to be non-disturbing to Otter and Harbour seal.

The conclusions of the October 2017 report supporting AA of Aquaculture and Fisheries Risk Assessment in Kenmare River SAC are representative of Screenings for AA reports carried out at that time.

The report considers the likely interactions between a range of aquaculture activities and conservation features of the Kenmare River SAC. In relation to Habitats the general conclusions relating to the interaction between current and proposed aquaculture activities with habitats is that consideration can be given to licencing (existing and applications) in the Annex 1 habitats – 1160 (Large Shallow Inlets and Bays) and 1170 (Reefs) with the exception of activities overlapping Zostera-dominated community, Maerl-dominated community and Pachycerianthus multiplicatus community. And in relation to Species the current levels of licenced aquaculture (existing and renewals) are considered non-disturbing to Harbour seal conservation features with the exception of oyster farming in Coongar Harbour.

Report supporting Appropriate Assessment of Aquaculture and Fisheries Risk Assessment in Kenmare River SAC, March 2019:

The 2019 report supporting AA of Aquaculture and Fisheries Risk Assessment in Kenmare River SAC is an updated version of the 2017 report, and the conclusion are the same as the 2017 report.

Appropriate Assessment Conclusion Statement by Licensing Authority for aquaculture activities in Kenmare River SAC, September 2019:

The DAFM AA Conclusion Statement outlines how it is proposed to licence and manage all aquaculture activities in the Kenmare River SAC.

As the 2019 report supporting AA of Aquaculture and Fisheries Risk Assessment in Kenmare River SAC determined salmon in net pens to be non-disturbing to the Annex I habitats considered further i.e. Large shallow inlets & bays and Reef habitat and to the Annex II species considered further i.e. Otter and Harbour seal, no mitigation measures specific to the culture of Atlantic Salmon were provided.

The below 2 Mitigation measures are provided which more generally relate to the culture of Atlantic Salmon in net pens:

- The movement of stock in and out of the Kenmare River SAC should adhere to relevant fish health legislation will be required for all relevant sites and
- The use of updated and enhanced Aquaculture and Foreshore Licences containing terms and conditions which reflect the environmental protection required under EU and National law will be required for all relevant sites.

*Section 61 (e) Ecological Effects conclusion:*

In conclusion it cannot be established, based on the assessment of the environmental data from 2015 through to 2017 (i to vi above) and following the assessment of AA reports from 2012 through to 2019 (1 to 4 above) that there were any increased ecological impacts as a result of the breach of Condition 2(e) in 2016.

It cannot be conclusively determined at this time that the breach of Condition 2(e) was not likely to have any effect on wild fisheries, natural habitats and flora and fauna, including any effects on the European sites referred to above.

Stage 1 Screening for AA and stage 2 AA is a matter for the Minister as part of the assessment of the current licence application before the Department.

## 5.6 General Environmental Effects

Section 61 (f) refers to the effect or likely effect on the environment generally in the vicinity of the place or water on or in which the aquaculture is to be carried on –

(i) on the foreshore, or

(ii) at any other place, if there is or would be no discharge of trade or sewage effluent within the meaning of and requiring a licence under section 4 of the Local Government (Water Pollution) Act, 1977.

Section 5.5 assesses the ecological impacts, as a result of the breach of Condition 2(e) of licence AQ 199, based on the assessment of environmental data from 2015 through to 2017 and following an assessment of AA reports produced between 2012 and 2019.

All categories of environmental data from 2015 through to 2017 are applicable to Section 5.6 General Environmental Effects.

It is therefore concluded that it cannot be established, based on the assessment of the environmental data from 2015 through to 2017 (i to vi in Section 5.5 above) that there were any increased environmental impacts as a result of the breach of Condition 2(e) in 2016.

It cannot be conclusively determined at this time that the breach of Condition 2(e) was not likely to have any effect on the environment generally in the vicinity of the place or water on or in which the aquaculture is to be carried on.

## 5.7 Effect on man-made heritage

Section 61 (g) considers the effect or likely effect on the man-made environment of heritage value in the vicinity of the place or waters.

It can be determined at this time that there are no effects or likely effects, currently or in 2016 from the Deenish project on the man-made environment of heritage value in the vicinity of the site. (see Section 3 for more details).

### 5.8 Section 61 Assessment Conclusions

- Section 61 (a): In my opinion the Deenish site is and was in 2016 suitable in principal for salmon farming.
- Section 61 (b): In my opinion there are and were in 2016 no other users of the Deenish site maritime area.
- Section 61 (c): In my opinion none of the objectives in the Kerry County Development Plan are determinative as to whether the given aquaculture should be located at site T06/202 and in particular at the stocking levels associated with the harvested tonnage in 2016.
- Section 61 (d): In my opinion the project has and had in 2016 a positive impact on the local economy.
- Section 61 (e): In my opinion it cannot be conclusively determined at this time that the breach of Condition 2(e) was not likely to have any effect on wild fisheries, natural habitats and flora and fauna, including any effects on European sites.
- Section 61 (f): In my opinion it cannot be conclusively determined at this time that the breach of Condition 2(e) was not likely to have any effect on the environment generally in the vicinity of the place or water on or in which the aquaculture is to be carried on.
- Section 61 (g): In my opinion there are no effects or likely effects, currently or in 2016 from the Deenish project on the man-made environment of heritage value in the vicinity of the site.

## 6.0 Conclusions of the Deenish Appeal Technical Advisor's Final Report

In my opinion the Deenish site is and was in 2016 suitable in principal for salmon farming, there are and were in 2016 no other users of the Deenish site, the Deenish project has and had in 2016 a positive impact on the local economy and there are no current likely effects or effects from the project in 2016 on the man-made environment of heritage value in the vicinity of the site.

In my opinion none of the objectives of the Kerry County Development Plan are determinative as to whether aquaculture should be located at the Deenish site and in particular at the stocking levels associated with the harvested tonnage in 2016.

In my opinion it cannot be conclusively determined at this time that the breach of Condition 2(e) was not likely to have had any effect on wild fisheries, natural habitats and flora and fauna, including any effects on European sites or on the environment generally in the vicinity of the place or water on or in which the aquaculture is to be carried out.

**Senior Technical Advisor** [redacted]

**Date: 08/07/25**

**Appropriate Assessment Determination**

**Project Reference:**
T06-202, Silver King Seafoods Limited, Aquaculture & Foreshore Licence application for the cultivation of salmon at a site east of Deenish Island, between Ballinskelligs Bay and Kenmare Bay, Co. Kerry.

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(6) of the EC (Birds and Natural habitats) Regulations 2011, as amended, the Minister for Agriculture, Food and the Marine made a determination following screening that an Appropriate Assessment was required as the project, individually or in combination with other plans or projects, is likely to have a significant effect on the integrity of European sites, in view of the site conservation objectives.

The potential impacts have been assessed and it has been objectively concluded following best available information, objective criteria, best scientific knowledge and expert judgement as well as the application of appropriate mitigation measures, that the proposed project will not pose a risk of adversely affecting (either directly or indirectly) the integrity of Natura sites, either alone or in-combination with other plans and projects.

In accordance with Regulation 42(11) of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended, the Minister of State at the Department of Agriculture, Food and the Marine determines that the proposed project, either alone or in-combination with other projects and with the application of appropriate mitigation measures, will not adversely affect the integrity of any European Site.

Timmy Dooley TD
Minister of State at the Department of Agriculture, Food and the Marine
Date:

| | | | | |
|---|---|---|---|---|
| T05-348A | Ardgroom Harbour | Blue Mussel | 7.53 | 23.5 |
| T05-258 | Ardgroom Harbour | Blue Mussel | 13.95 | 23.6 |
| T06-024 | Kilmakilloge Harbour | Blue Mussel | 9.47 | 26 |
| T06-033A | Kilmakilloge Harbour | Blue Mussel | 5.29 | 26 |
| T06-154 | Kilmakilloge Harbour | Blue Mussel | 4.38 | 26 |
| T06-327A | Kilmakilloge Harbour | Great Atlantic Scallop | 1.18 | 26 |
| T06-035A | Kilmakilloge Harbour | Blue Mussel | 2.63 | 27 |
| T06-064A | Kilmakilloge Harbour | Atlantic Salmon | 4.1 | 27 |
| T06-106 | Kilmakilloge Harbour | Blue Mussel | 5.5 | 27 |
| T06-114 | Kilmakilloge Harbour | Blue Mussel | 4 | 27 |
| T06-131 | Kilmakilloge Harbour | Blue Mussel | 4.01 | 27 |
| T06-190 | Kilmakilloge Harbour | Blue Mussel | 3.87 | 27 |
| T06-332A | Coongar Harbour | Blue Mussel | 7.84 | 28.2 |
| T06-064B | Kenmare River | Atlantic Salmon | 2.5 | 28.5 |
| T06-149B | Kilmakilloge Harbour | Blue Mussel | 8.49 | 29 |
| T06-390A | Kenmare River | Pacific Oyster, European Flat Oyster | 2.19 | 29 |
| T06-280-2 | Coongar Harbour | Pacific Oyster | 0.89 | 29 |
| T06-280A | Coongar Harbour | Blue Mussel | 1.37 | 29 |
| T06-280B | Coongar Harbour | Blue Mussel | 1.37 | 29 |
| T06-390A | Kenmare River | Pacific Oyster, European Flat Oyster | 2.19 | 29 |
| T06-356A | Kenmare River | Blue Mussel | 14.77 | 31 |
| T06-039A | Kenmare River | Blue Mussel | 3.99 | 31.8 |
| T06-179B | Templenoe | Pacific Oyster | 2.37 | 40 |
| T06-295A | Kenmare River | Pacific Oyster | 1.38 | 40 |
| T06-201 | Kenmare River | Pacific Oyster | 1.98 | 40.2 |
| T06-388A | Kenmare River | Pacific Oyster, European Flat Oyster, Blue Mussel | 2.25 | 43.5 |

### 3.2.1 Salmon Culture

Five sites are licensed to produce salmon, one of which is also licensed to produce Rainbow trout (*Oncorhynchus mykiss*). As of February 2024, there are currently four applications for renewal and review of salmon aquaculture licences - at the Inishfarnard, Deenish, Doon Point and Killmacillogue (x2) sites. This section details the current operational activities at the sites, for information. The appropriate assessment assumes that all sites are fully operational, and activities are occurring across the entire area of the sites, according to the stated production plans, including pending licences. Only aspects of finfish operations that have the potential to have in-combination effects on QIs of the Kenmare River SAC and the QIs of adjacent Natura 2000 sites are considered as part of the detailed assessment of potential significant effects in this section.

MOWI Ireland operates two sites: Deenish (T06-202) and Inishfarnard (T05-233). T06-202 is currently licensed for 500 t (400,000 smolts) production per annum on a 14.48 ha site. The renewal plans are to increase this to 2,200 t MAB on a 33.5 ha site, in 15 x 126 m circumference net pens (13 with depth to cone of 20m and 2 with depth to 12m).

T05-233 is currently licenced for 2,220 t MAB, with renewal plans to retain that tonnage and increase the site size to 52.7 ha, in 16 x 126 m circumference net pens (12 with depth to the cone of 20 m, and 4 to 17m).

The stocking plan for both sites is that smolts are introduced to the net pens and grown for 15 months, when harvesting starts from months 16 to 22. The site is then left fallow for 2 months before the next smolt input. The sites have a feed barge moored on site, which can feed the stock automatically throughout the day. Each net pen has cameras installed to monitor the fish, optimising the feeding, feed conversion rate and minimising waste. Both these sites are accessed from piers in Westcove, Derrynane Pier, Castletownbere, Travarra and Ballycrovane.

Murphy's Irish Seafood Ltd operates Doon Point (T06-64-7). This site has been fallow for a number of years but has a licenced harvest tonnage of 3,800 t per 2 year production cycle, on a 22 ha site. The renewal plans are to retain that tonnage and increase the site size to 29 ha, in 12 x 160 m circumference pens with depth to the cone of 20 m, with an approximate cubic capacity of over 30,000 $m^3$, this is an overall total volume of over 400,000 $m^3$.

St Killian's Harvest Limited operates 2 sites in Kilmakilloge Harbour: Spanish Island (T06-64A) and Battle Point (T06-064B). These sites have been fallow for nearly 10 years. T06-64A is licenced for 60 t annual harvest. The renewal plans are for a 2.5 ha site with 8 x 70m pens, of 7m depth. Similarly, Smolts will be inputted in Oct-Nov and transferred out of the sites in Mar-Apr (6 months later as part grown fish), when the sites remains fallow until the next input in Oct-Nov. T06-064B is licenced for 140 t annual harvest. The renewal plans are for a 4 ha site with 4 x 70 m pens, of 5 m depth. Smolts will be inputted in Oct-Nov and transferred out of the sites in Mar-Apr (6 months later as part grown fish), when the sites remains fallow until the next input in Oct-Nov.

Smolts (juvenile salmon) for these sites come from a number of sources. The smolts for the MOWI operation (Farad/MOWI strain) are currently produced in the MOWI freshwater facilities in Donegal, namely Lough Altan and Pettigoe. Murphy's Irish Seafood Ltd, whilst producing most of their smolt requirements from their Borlin hatchery, also get smolt from Derrylea Holdings Ltd. All of these smolts are trucked from the freshwater facilities to a well boat for delivery to the sea sites. The smolts are initially fed by hand but as they grow, mechanical feed systems are used.

All sites (in Kenmare) are operating with a stocking density of less than 10 kg/$m^3$. The nets are made of knotless netting and no anti-fouling treatment is used, nets are either cleaned in-situ using pressurised water systems or alternatively when the need arises, the nets are changed. Regular dive inspections are carried out on the nets and moorings.

### 3.2.2 Oyster Culture

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

The likelihood of impact occurring to the QI Harbour seal [1365] is very remote, and the consequences if any interaction, if realised, is negligible; it is concluded that there will be no adverse effects to the conservation objectives of Harbour seal.

### 5.2.4 Salmon (*Salmo salar*) [1106]

#### *5.2.4.1 Conservation Objectives*

The Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365) and the Blackwater River SAC (002173) are designated for the QI Atlantic Salmon (*Salmo salar*). The proposed activities occur within the Kenmare River SAC but as salmon are a migratory species, that could pass within the zone of influence of the proposed site, it is considered here in this assessment. The COs, targets and details for this QI in both SACs are outlined in Table 5-8.

*Table 5-8 Conservation objectives with attributes and targets for QI salmon in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, and Blackwater River SAC.*

| Attribute | Measure | Target | Notes[62],[63] (references within NPWS document) |
|---|---|---|---|
| Distribution: extent of anadromy | Percentage of river accessible | 100% of river channels migration, down to second order stretches and accessible from estuary. | Artificial barriers block salmons upstream thereby limiting species to lower restricting access to spawning areas.<br>There are no artificial barriers on the Cummeragh/Finglas, Caragh, Ferta and Flesk/Laune systems; there are a number of natural waterfall barriers. |
| Adult spawning fish | Number | Conservation limit (CL) for each system consistently exceeded | A conservation limit (CL) is defined by the North Atlantic Salmon Conservation Organisation (NASCO) as "the spawning stock level that produces long-term average maximum sustainable yield as derived from the adult to adult stock and recruitment relationship". The target is based on the Standing Scientific Committee on Salmon (SSCS)/ Technical Expert Group on Salmon's (TEGOS) annual model output of CL attainment levels.<br>Attainment of CL estimates are derived from direct counts of adults (rod catch, fish counter) or indirectly by fry abundance counts. The Ferta is currently exceeding its CL and the Cummeragh, Caragh, and Flesk/Laune are currently exceeding both the 1 sea winter and multi sea winter CL.<br>Stock estimates are either derived from direct counts of adults (rod catch, fish counter) or indirectly by fry abundance counts. The fish counter on the Blackwater River is used as the source of adult salmon run estimates. The Blackwater is currently below CL, meeting 40% of CL. |
| Salmon fry abundance | Number of fry/5 minutes electrofishing | Maintain or exceed 0+ fry mean catchment-wide abundance threshold value. Currently set at 17 salmon fry/5 minutes sampling | The target is the threshold value for rivers currently exceeding their conservation limit (CL) |
| Out-migrating smolt abundance | Number | No significant decline | Smolt abundance can be negatively affected by a number of impacts such as estuarine pollution, predation and sea lice (*Lepeophtheirus salmonis*).<br>Marine salmon farming takes place in Kenmare River into which the Cummeragh discharges. There are no marine salmon farms in the Caragh, Ferta and Flesk/Laune estuaries |

| | | | |
|---|---|---|---|
| Number and distribution of redds | Number and occurrence | No decline in number and distribution of spawning redds due to anthropogenic causes | Salmon spawn in clean gravels<br>Artificial barriers are not preventing salmon from accessing suitable spawning habitat in the Cummeragh/Finglas, Caragh, Ferta and Flesk/Laune systems |
| Water quality | EPA Q value | At least Q4 at all sites sampled by EPA | Q values based on triennial water quality surveys carried out by the Environmental Protection Agency (EPA) |

#### 5.2.4.2 Applicant report

The applicant's NIS report states that the farm operation may directly impact wild salmon populations by:

- Increasing sea lice infection rate in wild salmon.
- Disease spread.
- The introduction of therapeutants into the environment.
- Genetic interactions between farmed and wild Atlantic salmon.

##### 5.2.4.2.1 Salmon louse

The NIS report provides an overview of the salmon louse life cycle and a short literature review on the potential impacts of sea lice on wild salmonid populations[64,65,66,67,68]. In order to assess the threat posed to wild salmonids by lice infestations on the farm, 3D hydrodynamic simulation modelling was undertaken to determine the transport and dispersion of salmon lice larvae from the farm. The results indicated that larval sea lice numbers dramatically reduce in concentration with increasing distance from the farm and were generally not discernible from background concentrations. A full description of the model is provided in NIS Volume 2, Appendix 7.

The NIS provided information on sea lice monitoring from the statutory monitoring programme for two year-classes of fish, from 2015 and 2017. There were no breaches of the mandatory sea lice trigger-levels for both cohorts of fish during the production cycles. A copy of the Integrated Pest Management Plan for the Deenish site is included in NIS Volume 2, Appendix 5, which details how they intend to manage sea lice infestations at the site. This Plan also states that MOWI perform their own in-house monitoring of 10 fish from each pen on a weekly basis with their own internal trigger levels for determining when treatments to reduce lice levels should take place.

The applicant NIS report concludes that, through continuous weekly monitoring as well as coordinated treatments, the proposed operations at the site are unlikely to result in a significant impact of sea lice infestations on wild Atlantic salmon populations.

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https://doi.org/10.1139/f2011-155

https://doi.org/10.1098/rspb.2012.2359

#### 5.2.4.2.2 Disease Spread

According to the applicant, the use of vaccines and effective veterinary supervision have brought the eradication and control of diseases on salmon farms to a level that surpasses accepted levels for other livestock. In MOWI's view any lower level of vigilance defeats the objectives of their business model. Given the control of diseases on the farm (see Section 2.12 for details), it is highly unlikely that the farm act as a significant source of disease; consequently, there will be no significant effects to salmonids.

#### 5.2.4.2.3 Therapeutants

Concerning veterinary medicinal products other than those used to treat sea lice infestations, the applicant has concluded that the use of chemicals, including antibiotics, has been reduced with the introduction of vaccines and the application of organic standards. They have further stated that in-feed antibiotic treatments are never used prophylactically for farmed salmon. For the medicinal treatment of sea lice infestations, the applicant proposes to use deltamethrin (bath treatment) and emamectin benzoate (in-feed), both of which are prescription-only veterinary medicines authorised for use by the Health Products Regulatory Authority (HPRA). As with antibiotics, the use of these medicines is restricted under the current regulations on organic production[69] and the *Organic Food and Farming Standards in Ireland*[70].

#### 5.2.4.2.4 Genetic interactions (escapes)

The NIS report provides an overview of the potential impacts of escaped farmed salmon on wild populations indicating that the long-term consequences of introgression can lead to changes in life-history traits, reduced population productivity and decreased resilience to future challenges[71]. The NIS states that the Deenish site has an improved standardised pen, net and mooring design and is classified as having a medium risk for susceptibility to storm damage based on the wave climate and hydrographic regime in Kenmare River. The NIS states that no farmed escapes have been reported at the site since MOWI began operations. A fish escape prevention policy is in place (SOP 36708; NIS Volume 2 Appendix 4) and the applicant follows the guidelines on containment of farmed salmonids, drawn up between the North Atlantic Salmon Organisation (NASCO) and the International Salmon Farmers Association (ISFA) [72]. A range of SOPs have been provided in the NIS Volume 2 Appendix 2 on net inspections (SOP 28941), maintenance (SOP 28646) and net strength tests (SOP 33176) amongst others e.g. pen moorings.

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[69] Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007.

[70] Version 2.03.2023: https://www.gov.ie/en/publication/fa7c8-organic-farming/

[71] Glover et al., 2017. Half a century of genetic interaction between farmed and wild Atlantic salmon: Status of knowledge and unanswered questions. Fish and Fisheries 18: 890-927. https://doi.org/10.1111/faf.12214

[72] NASCO, 2001. Guidelines on containment of farmed salmon. CNL(01)53

The NIS report concluded that the likelihood of an escape event occurring is remote and unlikely to result in a significant effect of wild Atlantic salmon populations.

### 5.2.4.3 MI Supplemental

#### 5.2.4.3.1 Salmon louse

The Marine Institute operates the National Sea Lice Monitoring Programme on behalf of the State since it was first instigated in 1991. Over the years the monitoring programme has been refined and formalised through the government's Monitoring Protocol No. 3 in 2000 and the publication of the strategy for improved pest control in 2008[73]. All active marine farms are inspected 14 times per year, on a fortnightly basis from March to May and monthly from June to February (with December and January combined as one period). Inspection results are circulated monthly to stakeholders and all the data is published in an annual report[74]. Following an inspection, should salmon lice levels be above prescribed trigger levels, a notice to treat (NTT) is issued advising the farm to act in order to reduce their salmon lice levels. A follow up inspection is then arranged to determine the efficacy of such action and whether further action is required. A review of the data back to 2010, shows that salmon lice levels at the Deenish site have been below trigger levels and no NTT's have been issued in that period, illustrated below in Figure 5-4.

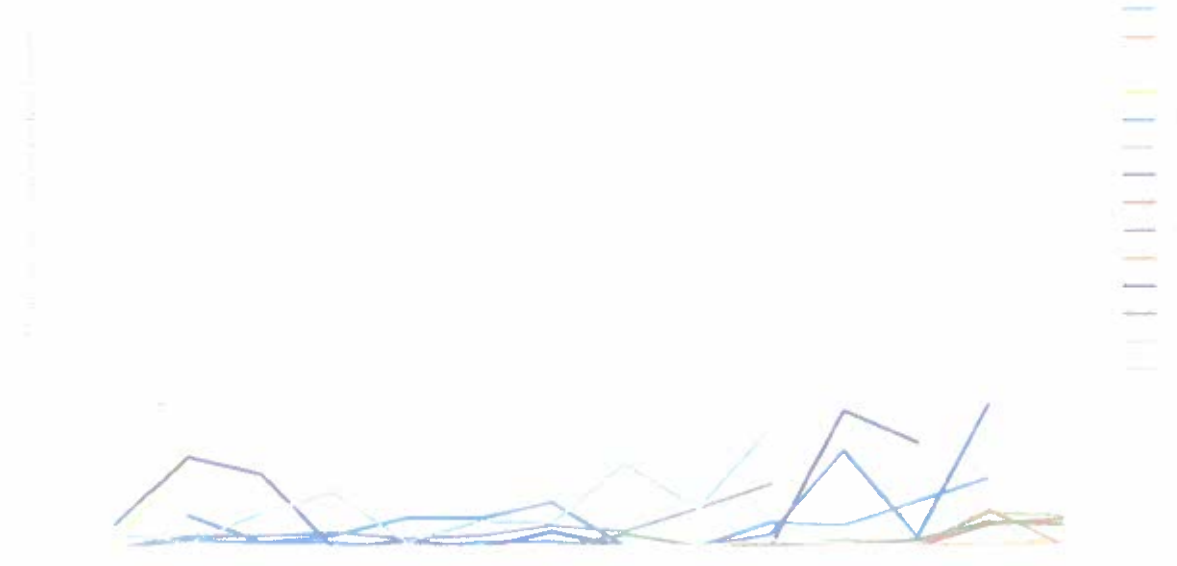


*Figure 5-4 Mean ovigerous L. salmonis levels per fish at the Deenish site (2010 – 2024). Data taken from the national sea lice monitoring programme and trigger levels (TTL) are indicated by the shaded area*

Following advice from the International Council for the Exploration of the Seas (ICES) and the North Atlantic Salmon Conservation Organisation (NASCO), Irish Atlantic salmon stocks have been managed on a river-by-river basis since 2007 with biological reference points or conservation limits (CL) based on maximum sustainable yield[75,76,77]. Independent scientific advice on the status of Irish stocks and catch advice for 144 designated salmon rivers, is provided by the Technical Expert Group on Salmon (TEGOS) and its parent body, the cross-border North South Standing Scientific Committee on Inland Fisheries (NSSSCIF)[78]. Several sources of information are used in the annual catch advice process, such as data from the wild salmon tagging scheme[79], fish counter and trap data[80] and electrofishing surveys[81]. Each river has an individual CL which is the number of adult salmon required to maintain a healthy population of wild Atlantic salmon. Rivers with estimated returns meeting or exceeding the CL with a 75% probability are open for exploitation by angling. Where river CL attainment probabilities are between 50–75%, rivers may be open to catch and release fisheries[82]. Rivers below 50% of CL are closed unless catchment wide electro-fishing surveys showing an average number of fry caught in 5 minutes of ≥ 17 warrants the opening of rivers on a catch & release basis only[83].

Of the 144 designated salmon rivers, there are currently 40 rivers or river tributaries in SACs where salmon have a qualifying interested under the EU Habitats Directive. These are listed in Appendix II of the annual TEGOS reports. The following rivers are of relevance to the current licence application (Table 5-9).

*Table 5-9 Rivers assessed where salmon have a qualifying interest in SAC and status relative to conservation limit (CL) for the 2025 advice for SACs 000365 (Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment).*

| River | CL status 2025 | Proportion of CL achieved | SAC |
|---|---|---|---|
| Caragh | Above | 3.00 (1SW); 1.53 (2SW) | SAC 000365 |
| Ferta | Above | 1.01 | SAC 000365 |
| Mealagh | Above | 2.66 | SAC 000365 |
| Owenreagh | Below | n/a | SAC 000365 |
| Kerry Blackwater | Above | 1.18 | SAC 002173 |

[75] TEGOS, 2025. Appendix V River/stock specific information used in the salmon catch advice process for 2025 advice. Report of the Technical Expert Group on Salmon to the North South Standing Scientific Committee for Inland Fisheries. 86 pp.

[76] Ó Maoileidigh N. *et al.*, 2004. Application of pre-fishery abundance modelling and Bayesian hierarchical stock and recruitment analysis to the provision of precautionary catch advice for Irish salmon (*Salmo salar* L.) fisheries. ICES Journal of Marine Science 61: 1170–1178. https://doi.org/10.1016/j.icesjms.2004.08.014

[77] White *et al.*, 2016. Incorporating natural variability in biological reference points and population dynamics into management of Atlantic salmon (*Salmo salar* L.) stocks returning to home waters. ICES Journal of Marine Science 73: 1514–1524. https://doi.org/10.1093/icesjms/fsw015

[78] TEGOS, 2025. The status of Irish salmon stocks in 2024 with catch advice for 2025. Report of the Technical Expert Group on Salmon (TEGOS) to the North South Standing Scientific Committee for Inland Fisheries. 61 pp.

[79] IFI, 2024. Wild salmon and sea trout statistics report 2024. Inland Fisheries Ireland. Report IFI/2024/1-4692.

[80] IFI, 2025. IFI consolidated fish counter summary report 2024. Inland Fisheries Ireland. Report IFI/2025/1-4752.

[81] IFI, 2024. Salmon monitoring programme 2023 funded under the salmon and sea trout rehabilitation, conservation and protection fund. Inland Fisheries Ireland. Report IFI/2024/1-4742.

[82] White *et al.*, 2023. Incorporating conservation limit variability and stock risk assessment in precautionary salmon catch advice at the river scale. ICES Journal of Marine Science 80: 803–822. https://doi.org/10.1093/icesjms/fsad006

[83] TEGOS, 2025. The status of Irish salmon stocks in 2024 with catch advice for 2025. Report of the Technical Expert Group on Salmon (TEGOS) to the North South Standing Scientific Committee for Inland Fisheries. 61 pp.

The status of each of these rivers i.e. open for angling with a harvestable surplus (O), catch and release only (R) or closed (C), since assessments began in 2007 is shown below in Table 5-10.

*Table 5 10 Trends since 2007 in the status of rivers assessed where salmon have a qualifying interest in SAC for SACs 000365 (Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment), and 002173 (Blackwater River (Kerry)).*

| River | 07 | 08 | 09 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Caragh | O | O | O | O | O | O | O | O | O | O | O | O | O | O | O | O | O | O | O |
| Ferta | C | R | C | O | O | R | R | O | O | O | R | O | O | O | O | O | O | O | R |
| Mealagh | O | O | O | O | O | O | O | O | O | O | O | O | O | O | O | O | O | O | O |
| Owenreagh | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C |
| Kerry Blackwater | O | O | O | O | O | O | R | R | R | R | R | R | R | R | R | R | R | R | O |

Of the five rivers assessed by the TEGOS where salmon have a qualifying interest, three are open for angling, one is open on a catch and release basis and one remains closed. The Caragh and Mealagh Rivers have been classed as open since 2007. The Ferta river has varied and was open from 2014-2024 before being classed as catch and release for 2025. The Kerry Blackwater changed from open to catch and release in 2013, before being classed as open for 2025. The Kerry Blackwater is one of only two counters located on rivers in the southwest and is deemed to be operating well, with counter data gradually increasing in recent years from 400 in 2018 to 761 in 2024. The Owenreagh River has been closed since 2007, with the latest data indicating that the mean minimum threshold of ≥ 17 salmon fry/5 min electrofishing has not been met.

Overall, there has been no significant change in the status of the rivers assessed by the TEGOS where Atlantic salmon have a qualifying interest, since 2007, despite the Deenish site being operational since 2010.

#### 5.2.4.3.2 Disease spread

Regulation (EU) 2016/429[84] of the European Parliament and of the Council on transmissible animal diseases ('Animal Health Law' (AHL)), is the European Regulation which sets out the legislative framework for the management and control of diseases of both terrestrial and aquatic animals in the EU.

Concerning Ireland's health status with respect to diseases of aquatic animals, Annex II to the AHL sets out the list of diseases to which the Regulation applies. Four diseases of salmonids (Epizootic haematopoietic necrosis (EHN), viral haemorrhagic septicaemia (VHS), infectious haematopoietic necrosis (IHN) and infection with HPR-deleted ISAV) are listed in that Annex. The whole territory of Ireland is officially recognised as being free from all four of those diseases, which means that Ireland has one of the highest health statuses concerning listed diseases of aquatic animals, in the EU. In addition, Ireland has been granted national measures for the salmonid diseases BKD and infection

with *Gyrodactylus salaris* in accordance with Article 226 of the AHL, again, giving Ireland a superior health status when compared to most other EU Member States.

The high national health status referred to above, obviously also applies to the aquaculture establishment which is the subject of this application.

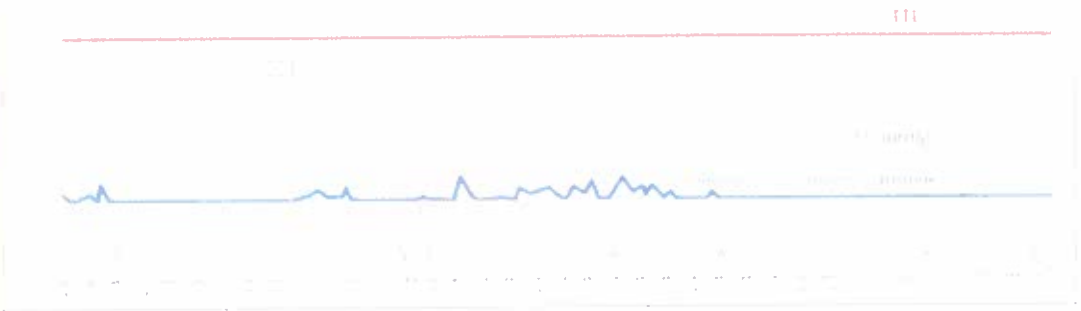
In accordance with the AHL, operators have significant responsibilities concerning the animals they keep and products they produce. Compliance with those responsibilities is checked when Veterinary Inspectors complete annual inspections on all marine finfish sites. Those inspections are carried out in accordance with the AHL, and also in accordance with Regulation (EU) 2017/625[85] ('Official Controls Regulation' (OCR)). Any non-compliances which are identified are notified to the operator and must be closed out in an agreed time-frame. Some of the requirements that are checked during such inspections are the nature and frequency of veterinary interventions at the establishment, disease investigations commenced and completed, treatments administered, records kept, biosecurity measures in place. In the past 7 years, no non-compliances have been raised during the annual inspections referred to above, concerning the establishment which is the subject of this application.

In addition, in accordance with Recital (30) of the AHL, for transmissible animal diseases that are not subject to measures laid down at Union level, but which are of importance for the private sector at local level, the sector has, with the assistance of the competent authority and other State Agencies, taken action to prevent or control such diseases, through the development of a Code of Practice for Salmonid Aquaculture in Ireland and the associated Farmed Salmonid Health Handbook[86]. The Handbook covers best practices concerning fish health and welfare, environmental requirements, general husbandry and biosecurity measures and creates a framework for the prevention and control of both listed and non-listed diseases of salmonids. The Code of Practice and the Handbook were launched by Minister Simon Coveney in 2011, and continue to be supported by the salmonid industry, including the applicant.

Concerning the matter of disease interactions between farmed and wild aquatic animals, the following general points are relevant:

- Salmon farming is still a young sector, and so it is probably safe to assume that the diseases by which it is impacted, originated in wild populations of salmonids (this is in contrast to diseases which have co-evolved in humans and domesticated animals[87]).
- In all situations where animals are farmed intensively, be they terrestrial or aquatic, the prudent approach is to reduce the occurrence of disease in kept animals through good health management, proactive veterinary intervention, high biosecurity levels, and where possible,

Adult ovigerous female L. salmonis reported at Deenish 2012-2023 (blue). TTL Spring (orange) is the treatment trigger level set by the Marine Institute for the Spring period and TTL (red) is the treatment trigger level set for all other times. Note that at no time were the TTL levels breached and for most of this period the levels were significantly lower than the trigger levels.




All mobile L. salmonis reported at Deenish 2020-2023 (blue). TTL Spring (orange) is the treatment trigger level set by the Marine Institute for the Spring period and TTL (red) is the treatment trigger level set for all other times. Note that in the sea lice monitoring protocol TTL thresholds apply to adult ovigerous female L. salmonis but at no time were the TTL levels breached even for all mobile sea lice and for most of this period the levels were significantly lower than the trigger levels.

With reference to the use of treatments to control sea lice, the use of therapeutics for the control of parasites and infections is strictly controlled by Organic standards. Only treatments approved by the Irish Health Products Regulatory Authority (HPRA) and organic regulations are permitted for use in organic farms. Treatments, if required, are always under veterinary supervision and must comply with veterinary written directions, and notification is made to the organic certification bodies as well as observing mandatory withdrawal periods.

Regarding the use of SLICE (Emamectin benzoate) this is applied in the first few months post transfer to sea with only one treatment in a full production cycle. Thus since 2017, there have been three treatments with SLICE, one in June 2019, June 2021 and June 2023.

The use of wild cleaner fish for sea lice control is still relevant in Ireland due to demand outweighing supply. It is the intention of Mowi in future to develop facilities that will allow for 100% use of hatchery reared cleaner fish. Wild fish are sustainably harvested by local fishermen when required. Further details on cleaner fish management can be found in the EIAR and NIS Vol. 2 appendix 3.3.

**MI - Further comments or requests**

Cleaner fish are addressed in Section 5.4.

We note the observations from the Sea Fisheries Protection Authority (SFPA) on this aquaculture licence application which states that there will be "No negative impacts on existing wild fisheries in the area and no foreseeable implications for the SFPA conducting official controls and possible non-compliance issues that could arise".

The use of Veterinary medicine at the site is limited to prescription-only medicines authorised by HPRA and administered under veterinary supervision. This is highlighted above in Section 5.2.4.3.3. The use of wild-caught wrasse is discussed in Section5.4.2.

#### 6.1.1.4 *Escapees*

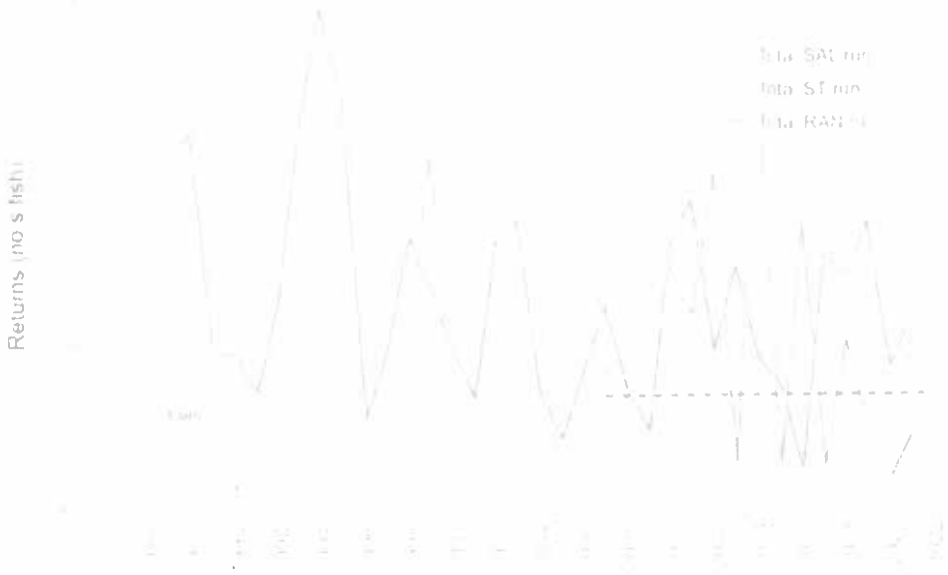
**Point raised**

The Screening for Appropriate Assessment and Natura Impact Statement Volume 1 – Main Report states that, "large escape events have the potential to have a significant effect on wild salmon populations in the area especially considering the low returns within many salmon rivers" and that, "While escapees display considerable potential for long-distance dispersal/migration the incidence of farmed escaped salmon in rivers is correlated with the volume of farming within that region". The report concludes that, "the likelihood of an escape event occurring is remote and MOWI have adopted a range of measures to prevent such an occurrence; consequently, significant direct effects to the Qualifying Feature salmon and indirect effect to the Qualifying Feature freshwater pearl mussel can be excluded". The EIA notes that the selection of the Deenish site has considered fish escape risk, which increases, for example, in areas exposed to excessively heavy seas or heavy boat traffic and in its Fish Escape Prevention Policy (Appendix 4), MOWI identify the proposed operation at Deenish Island as a "high risk site" for fish escapes, further noting in the NIS that there is, "a High Risk for susceptibility to storm damaged based on the wave climate and hydrographic regime in the locality". In addition, the assessment of the screening AA (Report supporting the Appropriate Assessment Screening of Intensive Aquaculture (T06/202) in Kenmare River SAC [Site Code: 002158] and Deenish Island and Scariff Island SPA [Site Code 004175), notes that, "A literature review regarding escapees is provided and the potential for significant effect is recognised." Based on all these statements with regard to the potential for an escape event, a comprehensive assessment should have been made in the NIS and EIA of the potential impact of a large escape event from the up to 650,000 input farm stock on wild salmon stocks in the vicinity of the proposed operation. Indeed, an escape of c. 230,000 farmed salmon occurred from a site in Bantry Bay in 2014 due to storm damage, highlighting the potential for an escape event to occur regardless of the mitigation measures proposed.

There are numerous publications on the impacts of salmon farm escapes on wild salmon stocks (see supporting literature appended). The International Council for the Exploration of the Sea (ICES) workshop to address the NASCO request for advice on possible effects of salmonid aquaculture on wild Atlantic salmon populations in the North Atlantic (ICES 2016) clearly summarises these in their conclusions as follows:

- The spawning success of escaped farmed salmon is much lower than wild salmon. Despite this, genetic studies have demonstrated that farmed salmon have displayed widespread introgression in a large number of Norwegian populations where this has been investigated.
- Farmed salmon are domesticated and display significant genetic differences to wild salmon in a wide range of fitness-related traits. Whole-river experimental studies have demonstrated that the offspring of farmed and cultured salmon in general, display lower fitness than their wild counterparts in the wild.
- Juvenile escapees and the offspring of farmed salmon compete with wild salmon for territory and food. Therefore, their presence in the natural habitat will reduce the total production of wild fish. Studies have also shown this can result in a decreased overall productivity of the population.
- Where farmed salmon have successfully interbred with natural populations, it is likely that recipient populations will display changes in life-history traits. These changes are likely to be maladaptive for the wild population.
- Wild populations that are already under evolutionary strain from other challenges such as disease pressure, sea lice infection, over exploitation, habitat destruction and poor water quality are more likely to be sensitive to the potential negative effects of genetic introgression and loss of fitness.
- While recognising that there were still uncertainties, the Workshop considered that the evidence relating to the impacts of escapees / genetic introgression provided a clear indication of impacts on wild salmon populations. A substantial reduction of escaped farmed salmon in the wild, or sterilisation of farmed salmon, would be required in order to minimize effects on native populations.

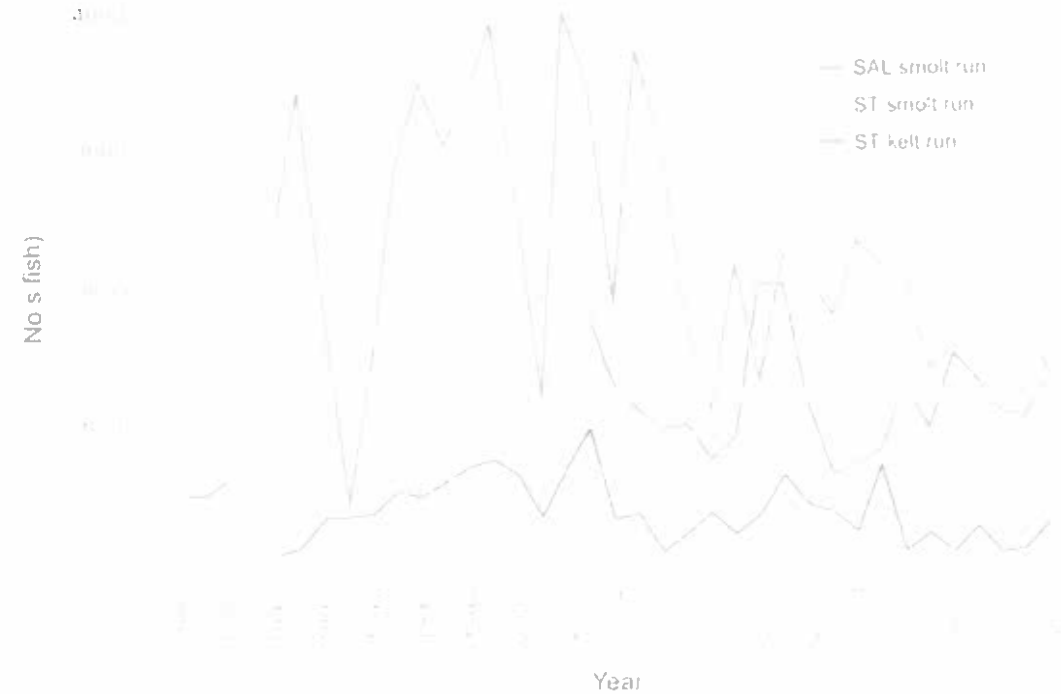
The lack of any environmental impact assessment of the potential threat of an escape of up to 650,000 salmon to salmon stocks in the vicinity of the proposed operation is unacceptable and a major deficit in the consideration of potential impacts in the NIS and EIA documentation.




Source: Figure 8 of Kelly et al. 2024. Adult returns of wild salmon, sea trout and ranched salmon to River Erriff since 1986 (conservation limit for wild salmon of 1385 indicated)

In the figure above, salmon counts were at or below the estimated CL in 1996,2001,2005,2009 and in 2016. The years of low sea trout counts were 2005,2006,2013,2015 and 2017. Kelly et al. (2024) do not provide any reasoning for the annual variations in salmon and sea trout counts nor do they provide any commentary on the biological meaningfulness of these sea trout counts as there is no measure of Conservation Limit available for sea trout.

Another long-term data set is also presented in Kelly et al. (2024) which relates to the numbers of salmon and sea trout smolt and sea trout kelt and immature sea run fish migrating downstream from Tawnyard Lough each year since 1986.




Source: Figure 10 of Kelly et al. 2024. Number of downstream migrating salmon and sea trout smolts and sea trout kelts (and immature sea run fish) recorded at the Tawnyard trap since 1986.

The graph above shows large annual variations in the number of sea trout smolt and kelt (and immature sea run fish) the lowest sea trout smolt recorded in 1993, 2001,2008,2010,2017 and 2022. The highest sea trout kelt etc numbers were recorded in 1999,2003,2011 and 2015.The above graphs show that annual numbers of sea trout

to the lighting of this development thus increasing their chances of depredation by gulls and other predators.

**Points addressed by the applicant**

Lighting is only deployed on site during low light conditions in winter to allow for safe staff access and egress with no lighting before 08.00hrs and after 17.00hrs daily other than the aids to navigation on site.

**MI - Further comments or requests**

Both Manx Shearwater and Storm Petrel migrate in early Autumn, when hours of daylight overlap with the working day. The minor requirement for lighting at the site, confined to working hours and at times of other operational activities, means the potential of lighting attracting young birds to the proposed project are minimal. There is not likely to be any negative interference.

### *6.1.1.17 Seals*

**Point raised**

In relation to marine Annex II marine mammal species, the Department has undertaken regular monitoring across all SACs. Where population or count figures are provided in the assessment in order to describe a species' status or other parameters it would be helpful if the most recent information was used and a clear source citation provided. The Department has undertaken annual standardised moult season monitoring of the harbour seal population within Kenmare River SAC since 2009 and there are also substantial local records preceding the current monitoring programme. In addition, aerial surveys of the area were carried out in 2011/2012 and repeated again 2017/2018 (see http://www.npws.ie/marine/marinereports). There are still important data gaps remaining for the site. This is particularly the case regarding:

(a) harbour seal site use throughout the annual cycle and

(b) the spatial and numerical extent of harbour seal breeding (May–July) and post-moult (Oct-Apr) activity.

**Points addressed by the applicant**

The potential impact of the Deenish Island salmon farm on the harbour seal (*Phoca vitulina*) was considered in the screening for AA exercise and brought forward into the second stage of the Appropriate Assessment. Due to the widespread foraging nature of this species (up to 220 km) four separate SACs were considered in the assessment, including Kenmare River SAC.

Impact mechanisms considered in the NIS included disturbance due to noise, disturbance at seal haul out locations and entanglement. The nearest seal haul out location is located approximately 12 km to the northeast at Cove Harbour. Given this distance it is unlikely that operations at the salmon farm site will result in disturbance effects. Overall, the NIS concluded that the potential impacts identified would have no likely significant effect on the seal population in the Kenmare SAC or indeed in the other SAC's assessed. It should be noted that the purpose of an NIS is to provide the relevant information to the national competent authority who are ultimately responsible for undertaking Appropriate Assessments to determine the potential impact of projects on protected species and habitats.

**MI - Further comments or requests**

NPWS reports[220],[221] indicate that Kenmare Bay (inner) is an important site for Harbour seal, as are the Blasket Islands. Deenish Island show no records of Harbour seal activity, and being more off-shore this island is less likely to be used by Harbour seals.

The Harbour seal is addressed in detail in Section 5.2.3 of this document.

### *6.1.1.18 Otters*

**Point raised**

[220] Lyons D. P. (2004) Summary of National Parks & Wildlife Service surveys for common (harbour) seals (*Phoca vitulina*) and grey seals (*Halichoerus grypus*), 1978 to 2003. Irish Wildlife Manuals, No. 19. National Parks & Wildlife Service, Department of Environment, Heritage and Local Government, Dublin, Ireland.

[221] NPWS, 2011. HARBOUR SEAL PUP MONITORING PROJECT, 2010. Unpublished.

Otters are known to occur in the Kenmare River SAC, in which the salmon farm site falls. The AA screening outlines that:

"While otter is more an aquatic rather than a truly marine mammal, they are widely distributed in the SAC (Saunders, 2017) and so may occur within the proposed project area; consequently, potential effects to the otter cannot be excluded at the screening stage. Otter is brought forward to the Stage II AA NIS"

The NIS outlines that Otters forage and feed within 80m to 100m of the coastline and can travel distances up to 500m across estuaries or between islands, but discounts them interacting with the farm site thus:

"Although the proposed aquaculture renewal site is located within the Kenmare River SAC, the distance from the coastline of Deenish Island where otters can forage, is too significant for them to be found at the site.The likelihood of an impact occurring on otters is remote, the consequence of an impact if realised is negligible; it is concluded that there will be no likely significant effects to otter."

However, from the documentation on the NPWS site for the SAC, this does not seem to be entirely accurate. The following is a map of an Otter commuting buffer zone in the area, and clearly incorporates the entire boundary of Deenish Island, including the location of the fish farm.



**Figure 1**: Map from NPWS Conservation Objectives for Kenmare River SAC

As such, we would argue that the conclusion that there will be no impact is not scientifically robust. The CJEU at para. 44 in Case C-258/11 clearly states that an AA:

"cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt."

We would highlight that we do not believe the information provided in the NIS in regard to otters is accurate, given it appears to conflict with the information provided by the NPWS on the SAC. Further information should be sought from the licencing authority on otter movements in the vicinity of the salmon farm.

**Points addressed by the applicant**

This is a widespread species that can live near humans. Observations at the mouth of the River Corrib over a 5 year period showed that they are present both in early morning and late evening but were also seen in day light hours feeding in the Claddagh Basin where pedestrians and cars were passing by. No impact on the population of otter in Kenmare River is predicted due to activities on the farm and Deenish Island

**MI - Further comments or requests**

This issue is addressed in Section 5.2.2.

### 6.1.1.19 Bird impacts

**Point raised**

The location of this salmon farm is within the Deenish Island and Scariff Island SPA (Code 004175). Deenish Island and Scariff Island SPA is a site of high ornithological importance on account of the internationally important population of Storm Petrel and nationally important populations of Manx Shearwater, Fulmar, Lesser Black-backed Gull and Arctic Tern. It is also worth highlighting that the aforementioned Storm Petrel and Arctic Tern species, as well as Chough, are listed on Annex I of the E.U. Birds Directive According to the NPWS, these islands support important populations of breeding seabirds. The Seabird 2000 survey recorded

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