

# Submission AGR 00481 -21: Recommendation to grant an aquaculture/Foreshore Licences for 1 site (T06/519A)

TO: Minister  
STATUS: Completed  
PURPOSE: For Decision

AUTHOR: Horan, Helena  
OWNER: Horan, Helena  
REVIEWERS: Horan, Helena  
McSherry, Sinead  
Beamish, Cecil  
Caulfield, Lorcan

DIVISION: Coastal Zone Management  
DECISION BY:

## Final comment

Approved by Minister

## Action required

Ministerial Determination on Aquaculture/Foreshore Licensing Application (T06/519A)

## Executive summary

The Minister's determination is requested please in relation to an application for an Aquaculture Licence from Michael J O' Driscoll and Laura O'Donovan, T/A Ballinskelligs Sea Farms, Reen, Ballinskelligs, Killarney, Co. Kerry. The application is for the cultivation of native red and brown seaweeds including *Alaria esculenta*, *Laminaria digitata*, *Palmaria palmata*, *Porphyra spp.*, *Fucus vesiculosus*, *Saccharina latissimi*, *Laminaria hyperborean*, *Ascophyllum nodosum*, *Ulva lactuca* and *Himanthalia elongata* using ropelines and nets on Site T06/519A, a 14.698 hectare site on the foreshore in Ballinskelligs Bay, Co. Kerry.

There is also a submission in respect of this application for a Foreshore Licence, for the Minister's consideration.

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

## Detailed information

### Detailed Information:

#### **Recommendation to approve the granting of an Aquaculture Licence for one site (ref: T06/519A)**

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

Recommendation to grant an Aquaculture Licence for one site (ref: T06/519A)

### DECISION SOUGHT

The Minister's determination is requested please in relation to an application for an Aquaculture Licence from Michael J O' Driscoll and Laura O'Donovan, T/A Ballinskelligs Sea Farms, Reen, Ballinskelligs, Killarney, Co. Kerry for a site numbered T06/519A at Ballinskelligs Bay, Co. Kerry.

A submission in respect of the application for a Foreshore Licence is also set out below, for the Minister's consideration. It is recommended that the Minister determines that the application for Aquaculture and Foreshore Licences **be approved** for the reasons set out in the 'Detailed Information' section below.

## BACKGROUND

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

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

## APPLICATION FOR AN AQUACULTURE LICENCE

An application for an Aquaculture Licence has been received from the applicant referred to above (in conjunction with an application for a Foreshore Licence) for the cultivation of the cultivation of native red and brown seaweeds including *Alaria esculenta*, *Laminaria digitata*, *Palmaria palmata*, *Porphyra spp.*, *Fucus vesiculosus*, *Saccharina latissimi*, *Laminaria hyperborean*, *Ascophyllum nodosum*, *Ulva lactuca* and *Himanthalia elongata* using longlines in relation to one site - T06/519A, totalling 14.698 ha on the foreshore at Ballinskelligs Bay, Co. Kerry (see **Tab A**).

## LEGISLATION

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

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

## CONSULTATION AND PUBLIC COMMENT

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

### Technical Consultation

Observations/Comments were made by Technical Advisers as follows (see **Tab B**):

Marine Engineering Division (MED): MED have no objection to the licensing of this site. The application is for aquaculture for the cultivation of seaweed using the standard rope and net cultivation method recommended in BIM Seaweed Growing Manual in Ballinskellig Bay. MED stated that the site will be accessed by boat from a nearby slipway. The site is overlooked by the N70 Wild Atlantic Way / Ring of Kerry and the Kerry Way. However, as the site is over 3km from the N70 the views of the seaweed lines and navigation markers will be obscured and limited.

### Statutory Consultation

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

Observations/Comments were made by Statutory Consultees as follows (see **Tab C**):

Marine Institute (MI): The MI has no objection to the licence being granted. They are of the view that given the location, nature and scale of the aquaculture activity, there will be no significant impacts on the marine environment and the quality status of the area will not be affected. They noted that the potential risk of pollution caused by cultivating seaweeds as proposed is minimal. No hazardous or toxic chemicals are used in the production process. Like all other plants, seaweeds require sunlight and inorganic

nutrients (Nitrogen and Phosphorous) for growth.

The MI also noted that site T06/519A is not located within a designated Natura 2000 site and, as set out in the AA Screening Report for Ballinskelligs Bay1 the Marine Institute is of the view that significant impacts on any features of adjacent Natura 2000 sites are not likely.

The MI made the following recommendations:

MI recommends that the initial source of plantlets / seeded strings for seaweeds, and other sources which may be used at any point in the future, should be approved by the Minister. This approval should be a specific condition of any licence that may issue.

Prior to the commencement of operations at this site, the Licensee is required to draw up a Contingency Plan, for the approval of DAFM, which shall identify methods for the removal from the environment of any invasive non-native species introduced as a result of operations at this site. If such an event occurs, the Contingency Plan shall be implemented immediately.

These issues can be dealt with by way of licence condition to this effect.

Commissioners of Irish Lights (CIL): CIL have no objection to the development of this site provided no navigable intertidal channels are impeded.

Marine Survey Office (MSO): The MSO have no objection to this application from a navigational viewpoint. However, they stated the proposed site is in an exposed bay and all mooring equipment should be adequate to withstand weather conditions in this area. A yellow special mark buoy with light is to be located at each of the four corners of the site.

Sea Fisheries Protection Authority (SFPA): The SFPA stated that the issuing of an Aquaculture and Foreshore licence in the area identified as T06/519 for the cultivation of seaweed would have **a negative impact** on local inshore sea fishing operations. Local sea fishing operations in this area primarily involve potting for lobster and crab. This area is an important fishing ground for a number of inshore fishing vessels during the summer months, particularly between outer Hogs Head and Rineen Point. The size of the proposed site (14.698ha) would adversely affect their ability to deploy their fishing gear in this area where they have operated for many years. Furthermore, the fishermen often move their fishing gear (>300 pots) to this location in storms/heavy swells as it provides a greater degree of shelter than other areas of Ballinskelligs Bay.

Further to the issues raised, the Department requested that the SFPA provide more information of the location, fishing methods, species etc that would be effected according to their observations. Mitigation measure that could be applied to counter the impacts were also requested.

In response, the SFPA stated it was primarily lobster and crab that would be effected mainly between outer Hogs Head and Rineen Point. However, no mitigation measures were provided. Neither the MSO or CIL identified any safety or navigational issues and BIM have indicated that the proposed site would not have a negative impact on inshore fisheries.

Inland Fisheries Ireland (IFI): IFI provided observations, but these were received outside the timeframe for statutory consultation, and as a result, cannot be taken into consideration.

Bord Iascaigh Mhara (BIM): BIM provided observations, they are satisfied that the proposed operations do not conflict with any other aquaculture or inshore fisheries interests in the area.

They have no objection to these applications.

Irish Water: Irish Water indicated the existence of primary and secondary discharges operated by Irish Water within 10km of the proposed development. The Department's Engineering Division was consulted on this matter. MET stated the site is also in an open bay suitably distant (approx. 5.5km) from Irish Water discharge points so there should be no conflict with the discharge points.

## **Public Consultation**

The application was publicly advertised using a composite public notice covering both aquaculture and foreshore elements in 'The Kerryman' on 12<sup>th</sup> August, 2020. The application and supporting documentation were available for inspection at Killarney and

Cahersiveen Garda Stations for a period of 30 days from the date of publication of the notice in the newspaper.

There were **no** objections received from the public consultation process.

### **Response to Statutory and Public Consultation**

The applicant made the following in response to the submissions received during the consultation period.

In response to the MSO comments the applicants through their representative stated their intention to utilise appropriate mooring equipment that meet all legislative and industry specifications.

In response to the SFPA observations the applicants through their representative made the following points:

Suitable locations for the sites were decided in conjunction with consultation with local fishermen, the local community and various interest groups.

The applicants note there were no objections to the applications during the public consultation period.

The applicants note that the 100 hectare area specified by the SFPA between Outer Hogs Head and Rineen Point was carefully assessed so that the 29.4 hectare area that the sites encompassed avoided the 70 most productive hectares from an inshore fishing perspective. This was done in consultation with local fishermen,

The sites have been positioned to avoid the main lobster/crab fishing grounds and to provide maximum ease of access for inshore vessels and other users, again in consultation with local fishermen.

Lobster and crab migrate from the deeper water of the sites to the shallower non occupied areas nearer the shoreline in summer, the main period fishery activity of this type occurs.

Seaweed farms by their nature provide sanctuary for small shellfish and have the potential to enhance local ecosystems.

Seaweed farms improve the water quality of the area by removing nitrates and phosphates from the water which can have a positive effect on shellfish productivity.

The applicants note that the SFPA statement regarding the area being used for the storage of pots in bad weather seems unusual given it is a summer fishery and the small probability of large storms at this time. Given that 8.5% of the area would be used for the proposed farms the remainder can more than accommodate the stored pots if required.

Pictures were provided of the area taken 19/02/2021 at heavy swell and south westerly storm conditions which showed no flotation markers. The applicants note their assumption that temporary storage would only occur for a few days over the fishing season. Given the alternative areas shown for storage by the applicants, they contest how this negatively impacts local industry save for a minor inconvenience.

The applicants question how an area to be used for storage according to the SFPA would have an economic impact equivalent or greater than that of the proposed seaweed farms. They state 4 full time and 6 part-time jobs would be created with minimal displacement to existing operators and other users of the bay. They also note how ancillary jobs would be created as a result of the farms.

The applicants note that the SFPA failed to provide information on mitigation measures for any possible impacts as requested by the Department.

The applicants note that the SFPA do not provide any negative scientific or legislative aspects to the application.

Following receipt of this reply the Department requested the SFPAs views on the points made by the applicant. The SFPA in response stated they fully stand over the observations they already made in respect of these applications. In addition they provided a letter from the General Secretary of the National Inshore Fishermens Association stating their objection to the application.

### **CRITERIA IN MAKING LICENSING DECISIONS**

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

a) the suitability of the place or waters;

*Scientific advice is to the effect that the waters are suitable for the cultivation of seaweeds.*

b) other beneficial uses of the waters concerned;

*Public access to recreational and other activities can be accommodated by this project. Aquaculture appropriately licensed can co-exist with leisure activities.*

c) the particular statutory status of the waters

(i) Natura 2000

*The proposed site is located in Ballinskelligs Bay, which is not a Natura 2000 area. However, it is adjacent to a number of Natura sites. An Appropriate Assessment Screening was carried out by our scientific advisors who considered that there will be no significant effects on the qualifying interests of the Natura sites. (See document at **TAB D**)*

(ii) Shellfish Waters

*Not applicable for seaweed.*

d) the likely effects on the economy of the area;

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

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

*No significant issues arose regarding wild fisheries. The Department of Culture, Heritage and the Gaeltacht (DCHG) did not comment and, furthermore, this is not a Natura 2000 site.*

f) the effect on the environment generally

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

*g) DCHG raised no objection to the development from an underwater archaeological perspective.*

## **RECOMMENDATION**

It is recommended that the Minister:

**approves** the granting of an Aquaculture Licence to Michael J O' Driscoll and Laura O'Donovan, T/A Ballinskelligs Sea Farms, Reen, Ballinskelligs, Killarney, Co. Kerry.

*The reasons for this decision are based on advice to the effect that the proposed site is suitable for the cultivation of seaweed. Given the location, nature and scale of the aquaculture activity, there will be no significant impacts on the marine environment and the quality status of the area will not be adversely affected.*

## **REASONS FOR DECISION**

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

## "Determination of Aquaculture/ Foreshore Licensing application –T06/519A

Michael J O' Driscoll and Laura O'Donovan, T/A Ballinskelligs Sea Farms, Reen, Ballinskelligs, Killarney, Co. Kerry have applied for authorisation to cultivate seaweeds using longlines on a 14.698 hectare site (T06/519A) on an area of foreshore in Ballinskelligs Bay, Co. Kerry.

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

- a. *Scientific advice is to the effect that the waters are suitable;*
- b. *Public access to recreational and other activities can be accommodated by this project;*
- c. *The proposed development should have a positive effect on the economy of the local area;*
- d. *All issues raised during Public and Statutory consultation phase;*
- e. *There are no effects anticipated on the man-made environment heritage of value in the area;*
- f. *No significant effects arise regarding wild fisheries;*
- g. *The visual impact of the site will be minimal. The site is over 3km from the N70 the views of the seaweed lines and navigation markers will be obscured and limited.*
- h. *significant impacts on any features of adjacent Natura 2000 sites are not likely."*

## Recommendation to grant a Foreshore Licence application (T06/519A)

### **DECISION SOUGHT**

The Minister's determination is requested please in relation to the application for a Foreshore Licence from Michael J O' Driscoll and Laura O'Donovan, T/A Ballinskelligs Sea Farms, Reen, Ballinskelligs, Killarney, Co. Kerry for a site on the foreshore in Ballinskelligs Bay, Co. Kerry, in which it is proposed to conduct aquaculture.

### **BACKGROUND**

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

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

### **APPLICATION FOR A FORESHORE LICENCE**

An application (see documents at **TAB A**) for a Foreshore Licence has been received from the applicant referred to above (in conjunction with an Aquaculture Licence application), relating to the occupation of the foreshore associated with the Aquaculture Licence application which covers a 14.698 hectare site (numbered **T06/519A**)

### **LEGISLATION**

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

### **CONSULTATION AND PUBLIC COMMENT**

The application was sent to the Department's technical experts, and was also publicly advertised in a composite public notice

covering both aquaculture and foreshore elements.

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

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

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

Marine Engineering Division (MED): have no objection to the licensing of this site. The application is for aquaculture for the cultivation of seaweed using the standard rope and net cultivation method recommended in BIM Seaweed Growing Manual in Ballinskellig Bay. MED stated that the site will be accessed by boat from a nearby slipway. The site is overlooked by the N70 Wild Atlantic Way / Ring of Kerry and the Kerry Way. However, as the site is over 3km from the N70 the views of the seaweed lines and navigation markers will be obscured and limited.

**Public Consultation**: The application was publicly advertised using a composite public notice covering both aquaculture and foreshore elements in 'The Kerryman' on 12<sup>th</sup> August, 2020. The application and supporting documentation were available for inspection at Killarney and Cahersiveen Garda Stations for a period of 30days from the date of publication of the notice in the newspaper.

There were **no** objections received from the public consultation process.

## **CRITERIA IN MAKING LICENSING DECISIONS**

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

Section 82 of the Fisheries (Amendment) Act, 1997 stipulates that the Minister, in considering an application for a licence under the Foreshore Acts, which is sought in connection with the carrying on of aquaculture pursuant to an Aquaculture Licence, shall have regard to any decision of the licensing authority in relation to the Aquaculture Licence.

## **RECOMMENDATION**

It is recommended that the Minister that the Minister, taking account of the decision on the related aquaculture licence application:

**approves** the granting of a Foreshore Licence to Michael J O' Driscoll and Laura O'Donovan, T/A Ballinskelligs Sea Farms, Reen, Ballinskelligs, Killarney, Co. Kerry in respect of site (ref: T06/519A) on the foreshore in Ballinskelligs Bay, Co. Kerry.

## Related submissions

**AGR 00151-21**: Recommendation to Refuse Aquaculture/Foreshore Licences for 1 site (T06/519)

## Comments

**Horan, Helena** - 21/09/2021 10:24

Previous submission recommending refusal of this application is attached for information. Following a further review, as outlined in the comments attached to the previous submission, it is recommended that the Minister approve the aquaculture and foreshore licences for the following reasons: The SFPA have provided no mitigation measures, as requested by AFMD, for their objections and neither the MSO or CIL identified any safety or navigational issues. BIM have also indicated that the proposed site would have no negative impact on Inshore fisheries. In the context of the wider bay the site, as proposed, is of a reasonable size to enable multi-user types to co-exist.

**McSherry, Sinead** - 23/09/2021 15:01  
as discussed

**Horan, Helena** - 23/09/2021 15:24  
Updated as discussed. Recommended for approval please.

**McSherry, Sinead** - 23/09/2021 15:31  
I have reviewed the submission and agree with the recommendation that the Minister approve the granting of an Aquaculture Licence and accompanying Foreshore Licence as detailed in the submission.

**Beamish, Cecil** - 24/09/2021 16:23  
Recommended that the Minister determines that the Aquaculture/Foreshore Licences be approved for the reasons outlined in the submission.

**Caulfield, Lorcan** - 27/09/2021 11:53  
Cleared by Secretary General

**Whelan, Paul** - 29/09/2021 16:38  
Approved by Minister

## User details

INVOLVED: Farrell, Geraldine  
McDonald, Bernie  
Horan, Helena  
McSherry, Sinead  
Beamish, Cecil  
Sub Sec Gens Office  
eSub Sec Gen  
eSub Ministers Office  
eSub Minister

READ RECEIPT: Horan, Helena  
Farrell, Geraldine  
McDonald, Bernie  
McSherry, Sinead  
Beamish, Cecil  
Ennis, Joan  
Caulfield, Lorcan  
Whelan, Paul



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

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

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

**USE BLOCK CAPITALS IN BLACK INK PLEASE**

For Office Use
Application Ref. No. <u>TO6/519</u>
Date of Receipt (Dept. Stamp): 

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

**PART 1: PRELIMINARY DETAILS**

<b>Applicant's Name(s)</b>
<b>1. Michael J O'Driscoll</b>
Address: <b>Reen, Ballinskelligs, Killarney, Co. Kerry</b>
<b>2. Laura O'Donovan</b>
Address: <b>Cooligboy, Timoleague, Bandon, Co. Cork</b>

**PART 1: PRELIMINARY DETAILS**

<b>Contact in case of enquiries (if different from above)</b>	
Contact Name	<b>Michael O'Neill</b>
Organisation Name (if applicable)	<b>Allihies Marine &amp; Business Solutions</b>
Address	<b>Lickbarrahan Cahermore Beara Co. Cork</b>
Phone:	[REDACTED]

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

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

**TYPE OF AQUACULTURE**

*See Guidance Note 3.2*

**Indicate the relevant type of application with a tick.**

**(i) MARINE-BASED**

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

**(ii) LAND-BASED**

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

**(iii) TRIAL LICENCE and to Part 2.5.**

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

## 2.3 MARINE-BASED SEAWEED/AQUATIC PLANTS/AQUATIC FISH FOOD AQUACULTURE

When filling out this section refer also to 2.3A and Guidance Note 3.3 for information on  
Conditions and Documents required with this application type

### Proposed Site Location

- (i) Bay: **Ballinskelligs**
- (ii) County: **Kerry**
- (iii) OS Map No: **EN 0079314**
- (iv) Co-ordinates of Site: (please specify coordinate reference system used e.g. Irish Grid (IG) or Irish Transverse Mercator (ITM) or Latitude/Longitude

### FARM 1

#### ING Co-ordinates

	<b>Easting</b>	<b>Northing</b>
	47202	61438
	47618	61494
	47665	61147
	47249	61091

- (v) Size (hectares): **14.7 H**

- (vi) **Species (common and scientific name):**  
**All Native Red and Brown seaweeds including:**

**Alaria esculenta (winged Kelp)**  
**Laminaria digitata (Kelp),**  
**Palmaria palmate (Dulse),**  
**Porphyra (Nori)**  
**Fucus vesiculosus (Bladderwrack),**  
**Saccharina latissima (Sugar Kelp) ,**  
**Laminaria hyperborean (Kelp),**  
**Ascophyllum nodosum (Asco),**  
**Ulva lactuca (Sea Lettuce)**  
**Himantalia elongate (Sea Spaghetti)**

- (vii) What is the source of plantlet?

#### **Local Hatchery**

- (viii) Cultivation Method?

#### **Rope Line and Nets**

- (ix) Proposed total number of lines/ropes

**28 lines x 330 m**

(x) Proposed Production:

Year 1	200 t	Year 2	200 t	Year 3	200 t	Year 4	200 t	Year 5	200 t
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(xi) Reasons for site selection:

**This site provides relative shelter and has good access from different sheltered piers**

(xii) Provide detailed information on the techniques for cultivation in use or to be used. Are these techniques currently in use in the industry or are they new? Please give details;

**This is the standard rope and net cultivation method which is recommended in the BIM Sea weed Growing Manual.**

(xiii) Methods used for harvesting.

**Harvested from Boat**

(xiv) Has the site sufficient space for the site structures including mooring blocks?

**Yes,**

Please provide separately detailed drawings of both over and under water structures including moorings.  
(See Guidance Note on Site Structures 3.3.2)

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

**These lines require minimal flotation devices. When required we will use low profile, semi submerged battleship grey JFC FM130 flotation boys which will provide minimal visual impact.**

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

If Yes, give details

**No,**

**It is adjacent to Ballinskelligs Bay and Inny Estuary Special Area of Conservation 000335 and the Iveragh Peninsula SPA 004154.**

See Part 2.3A for details of documentation to be included with this application type

**2.3A DOCUMENTATION REQUIRED FOR MARINE-BASED  
SEAWEED/AQUATIC PLANTS/AQUATIC FISH FOOD AQUACULTURE**

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

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

**NOW COMPLETE PARTS 2.6, 3, 4 AND 5 PLEASE**

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

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

**Michael J O'Driscoll** – Michael Joe is a qualified Carpenter, who has spent most of this working life in and around Ballinskelligs Bay. Living almost on the head of Reen pier he and his family would have a long and close relationship with the sea, seafaring and the fisheries industry. He would have spent much of his youth working in the local inshore fisheries, also working in the nearby Cromane mussel fishery, before moving into construction.

Michael has extensive boat handling skills as well as being an accomplished diver.

**Laura O'Donovan** – Laura graduated in Biology and Concurrent Education from UL, going on to become a teacher of Biology and Agricultural Science. Laura's family business, based in Timoleague Co Cork, is one of the most successful pig producers in the Munster area. This exposure, to building a successful business, has motivated the development of a Seaweed growing business, utilising her knowledge the scientific aspects of production, as well as a keen understanding of the market requirements of vegetable protein and food ingredients. Laura will provide the marketing and sales elements of the new business.

(ii) If a new application please provide details of projected employment creation during first four years of the proposed aquaculture project:

**FULLTIME JOBS**

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

**PART TIME JOBS**

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

(iii) In the case of a renewal please provide current and future details:

N/A

## PART 5: APPLICATION DOCUMENTATION

The following documents are enclosed with this application:

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

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

## PART 5: DECLARATION AND SIGNING

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

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

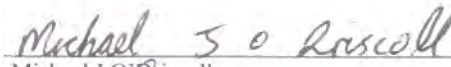
N/A

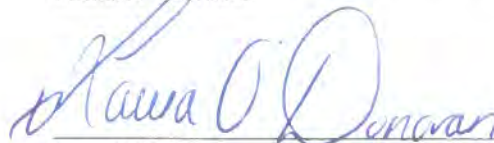
I/We hereby declare the information provided in Parts 1, 2, 3 and 4 above to be true to the best of my/our knowledge and that I am over 18 years of age. I/We enclose an application fee\* of

**€95.23**

with this application.

Signature(s) of Applicant(s):

  
Michael J O'Driscoll

  
Laura O'Donovan

Date: \_\_\_\_\_ 31/07/2019 \_\_\_\_\_

**NB All persons named on this licence application must sign and date this application form.**

**Only the existing licence holder(s) can apply for the renewal/review of an Aquaculture Licence.**

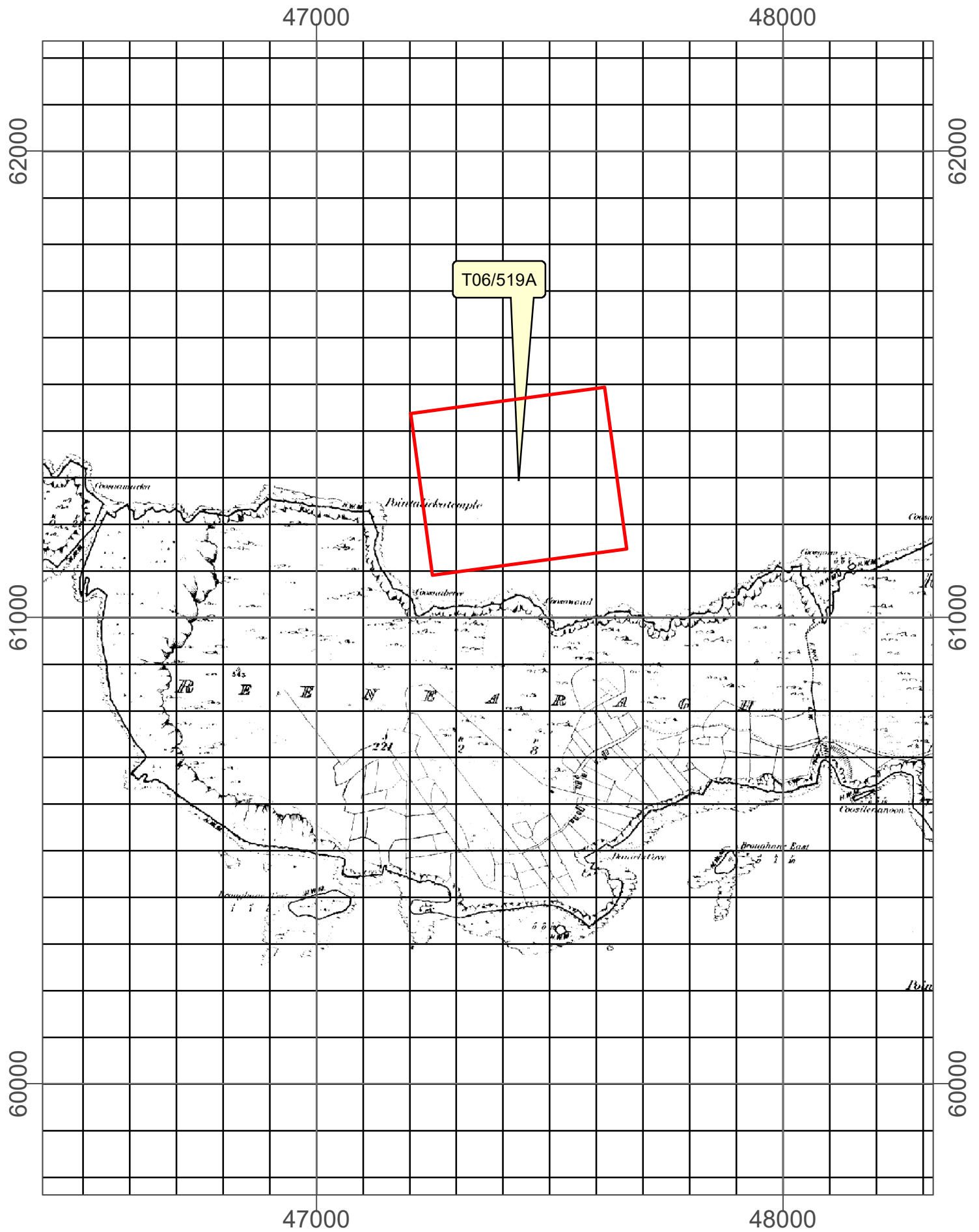
\*Preferred method of payment is by cheque or bank draft. The fee should be made payable to the Department of Agriculture, Food and the Marine.

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

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

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





**Aqua Culture Sites**  
 <all other values>  
**Site\_Status**  
 Application  
 Licensed  
 100 Meter Reference Grid

**1:10,560**

Sites highlighted in red denotes Application

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



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

**1 NO. SITE AT BALLINSKELLIGS BAY CO.KERRY**

**Co-ordinates & Area**

**Site T06/519A (14.6984 Ha)**

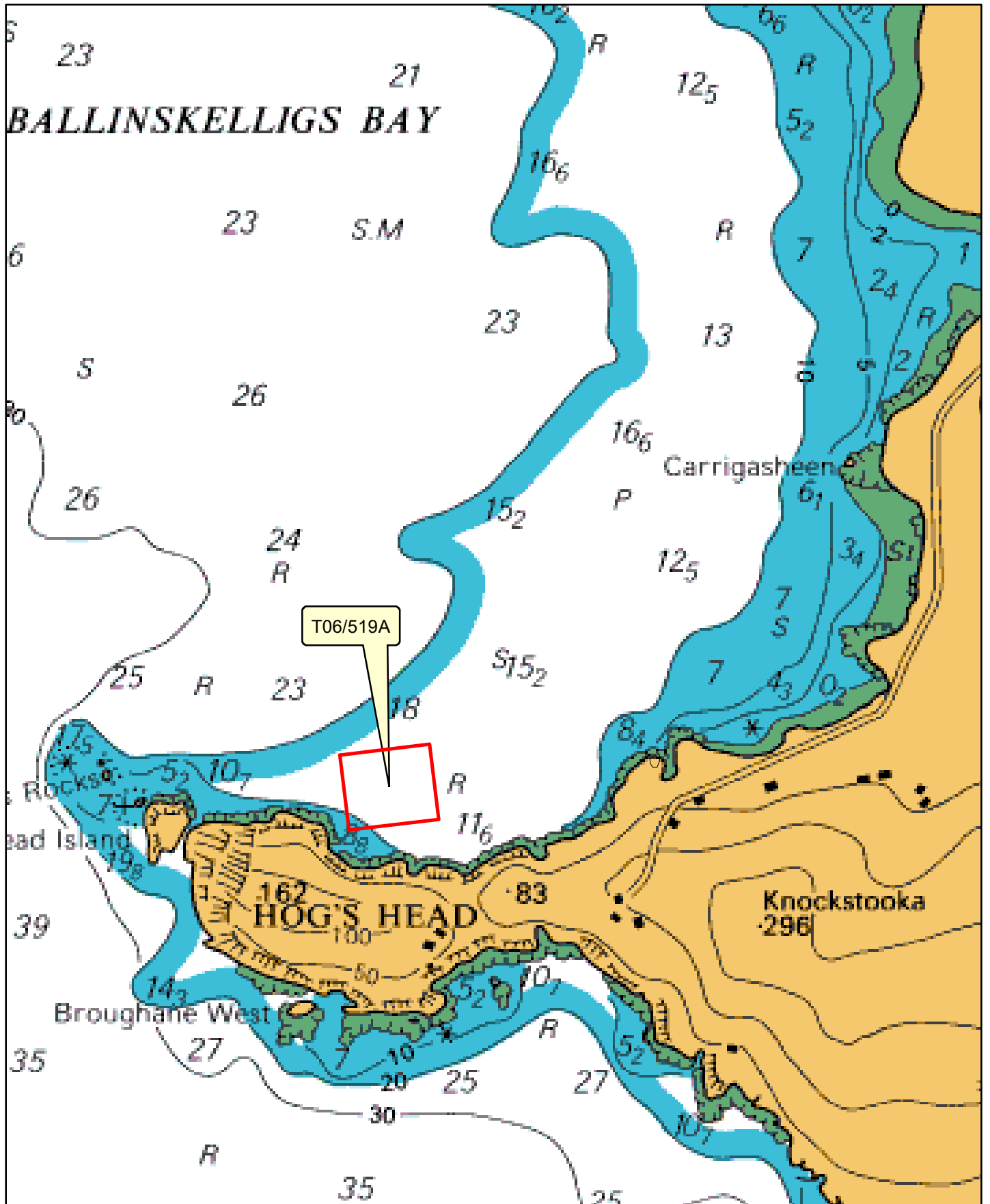
The area seaward of the high water mark and enclosed by a line drawn from Irish National Grid Reference point

047202, 061438 to Irish National Grid Reference point

047618, 061494 to Irish National Grid Reference point

047665, 061147 to Irish National Grid Reference point

047249, 061091 to the first mentioned point.



1:24,000

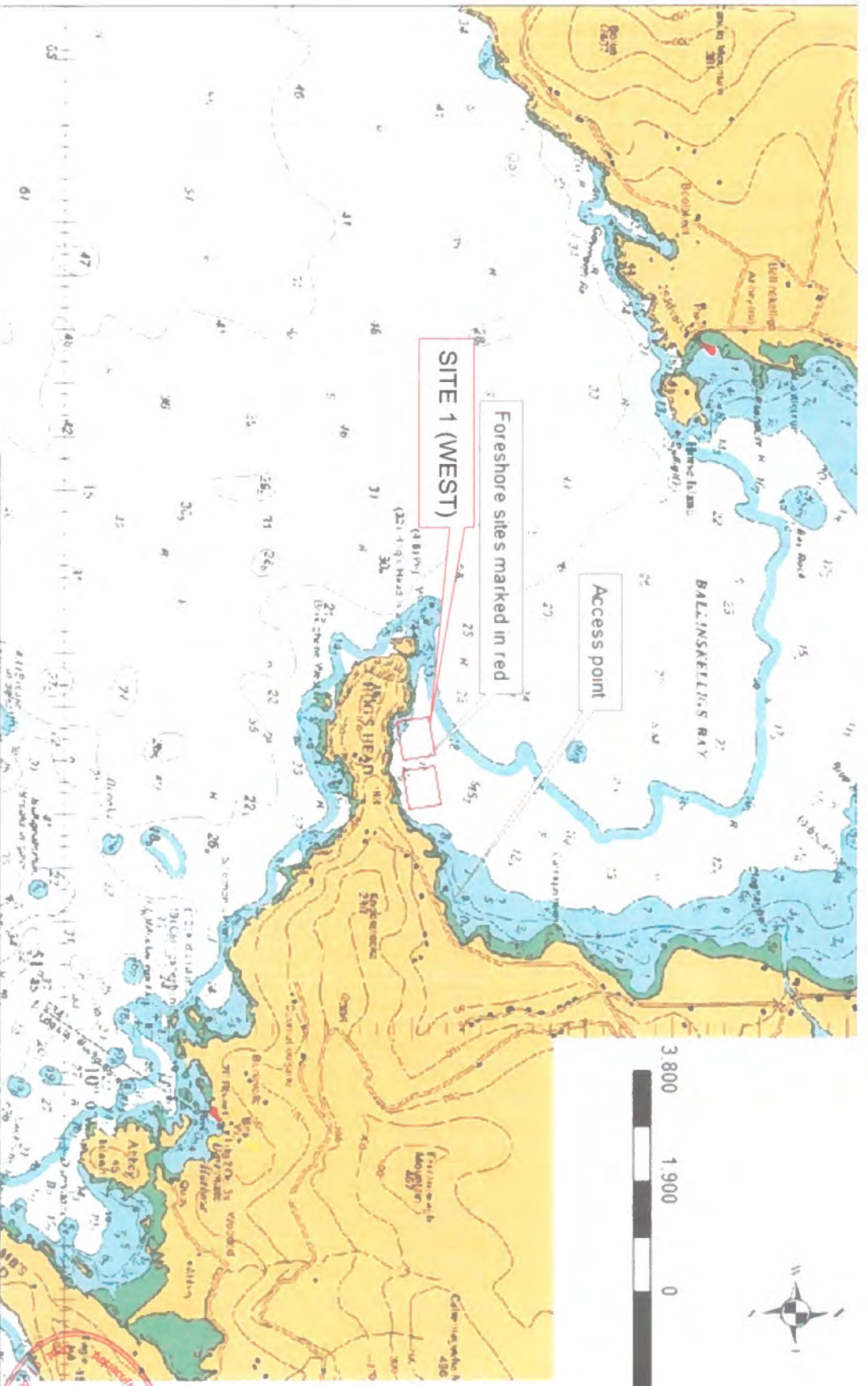
**Aqua Culture Sites**  
 <all other values>  
**Site\_Status**  
 Application  
 Licensed

Sites highlighted in red denotes Application

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



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



T06/519.

**ADMIRALTY CHART**  
Scale 1:100,000

OS License: OS License EN 0079314  
 Admiralty Chart License Chart provided by client  
 Admiralty Chart License no: 16976 Q  
 License Area: 14.75 hectares  
 License Area 14.75 hectares  
 ING Co-ordinates  
 A: 47202 E, 61438 N  
 B: 47618 E, 61494 N  
 C: 47665 E, 61147 N  
 D: 47249 E, 61091 N

**PROJECT:** Aquaculture Licence Application  
 Seaweed Farm, Site 1 (West), Rinneen, Waterville, Co. Kerry  
**CLIENT:** O'Donovan - O'Discoll (Ballinskelligs Sea Farms)

- Notes:**
1. All dimensions are in metres unless noted otherwise
  2. All levels are in metres related to Ordnance Datum Mean.
  3. Co-ordinates to Irish National Grid.
  4. Application Site outlined in RED

**TITLE:** Admiralty Chart

Appl No: T05/  
 Scale: 1:100,000 @ A4 Drg No: Rev  
 Date: July 2019 T05/-01 0

Mark Gallagher Architect  
 MR/Al Dip Eng BA BArch  
 Eyeries, Beara, Co. Cork  
 +353 . 86 . 0858593



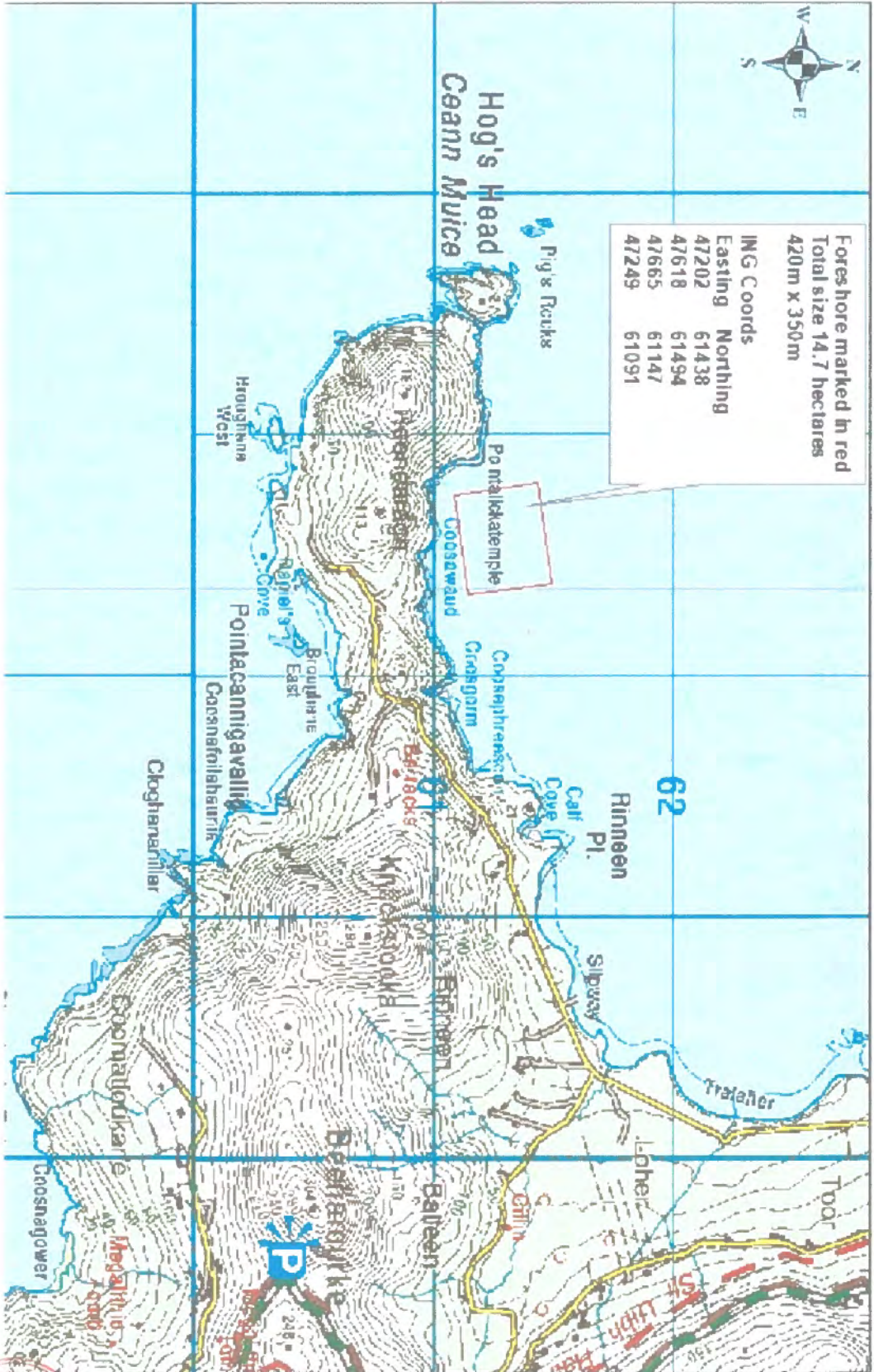
T06/519.



Foreshore marked in red  
 Total size 14.7 hectares  
 420m x 350m

ING Coords

Easting	Northing
47202	61438
47618	61494
47665	61147
47249	61091



**ORDNANCE SURVEY MAP**  
 Scale 1 : 25,000

OS License:  
 OS License EN 0079314  
 Admiralty Chart License  
 Chart provided by client  
 Admiralty Chart License no:  
 16976 Q

License Area:  
 License Area 14.75 hectares

ING Co-ordinates:  
 A: 47202 E, 61438 N  
 B: 47618 E, 61494 N  
 C: 47665 E, 61147 N  
 D: 47249 E, 61091 N

**PROJECT:** Aquaculture Licence Application  
 Seaweed Farm, Site 1 (West), Rinneen, Waterville, Co.Kerry

**CLIENT:** O'Donovan - O'Driscoll (Ballinskelligs Sea Farms)

**TITLE:** OS Map

**Notes:**  
 1. All dimensions are in metres unless noted otherwise  
 2. All levels are in metres related to Ordnance Datum  
 3. Co-ordinates to Irish National Grid.  
 4. Application Site outlined in RED

Appl No: **T05/re, food & the Marine**

Scale: 1:25,000 @ A4

Date: July 2019

Drq No: T05/\_\_\_-02

Rev: 0

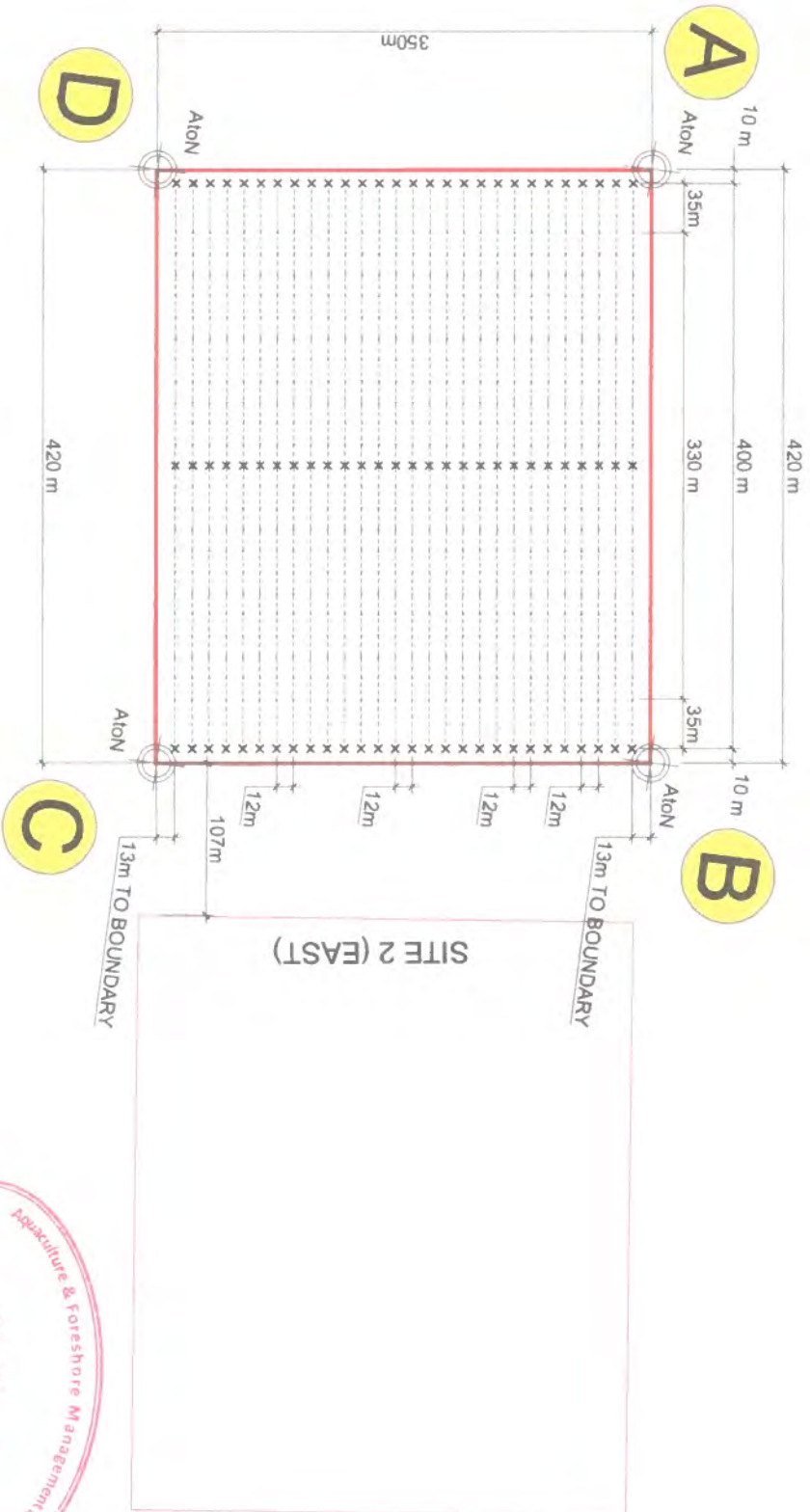
Mark Gallagher Architect  
 MR/Al Dip Eng BA BArch

Eyerles, Beara, Co. Cork  
 +353 . 86 . 0858593





28 no. Seaweed Lines, 320m long x Ø20mm rope  
with JFC Grey Mussel barrel floats @ 15m centres.  
12m between lines seaweed lines



**Plan Layout of Seaweed Long Lines**

Scale 1:5000

OS License:  
OS License EN 0079314  
Admiralty Chart License  
Chart provided by client  
Admiralty Chart License no:  
16976 Q

License Area:  
License Area 14.75 hectares

ING Co-ordinates  
A: 47202 E, 61438 N  
B: 47618 E, 61494 N  
C: 47665 E, 61147 N  
D: 47249 E, 61091 N

**PROJECT:** Aquaculture Licence Application  
Seaweed Farm, Site 1 (West), Rinneen, Waterville, Co Kerry

**CLIENT:** O'Donovan - O'Driscoll (Ballinskelligs Sea Farms)

**NOTES:**  
1. All dimensions are in metres unless noted otherwise  
2. All levels are in metres related to Ordnance Datum  
3. Co-ordinates to Irish National Grid.  
4. Application Site outlined in RED

**TITLE:** Site Layout Plan

App'l No: **705/**

Scale: 1:5000 @ A4

Date: July 2019

Drng No: T05/\_\_\_-03

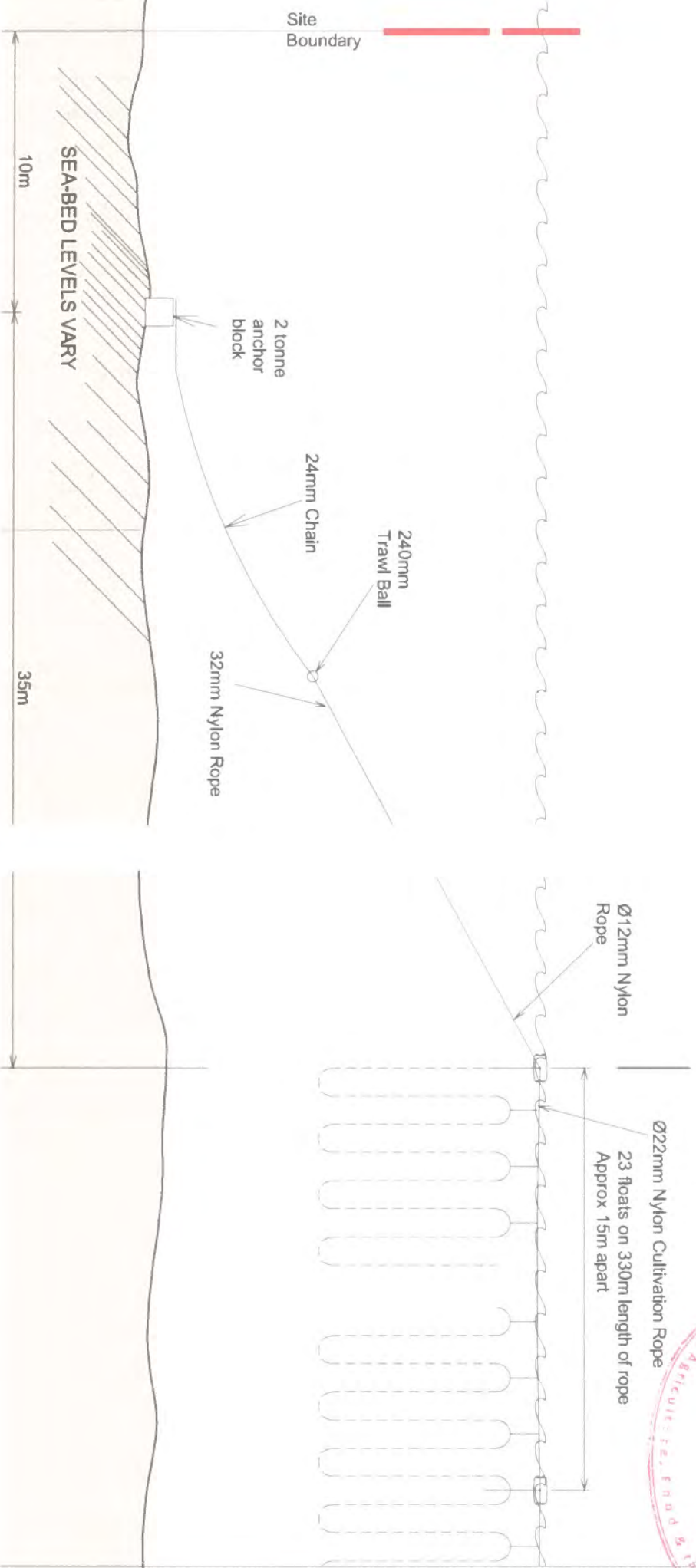
Rev: 0

Mark Gallagher Architect  
MRIAI Dip Eng BA BArch  
Eyerries, Beara, Co. Cork  
+353. 86. 0858593



T06/519.

706/519



**Detail of Seaweed Long Lines**  
Scale 1:200

OS License:  
OS License EN 0079314  
Admiralty Chart License  
Chart provided by client  
Admiralty Chart License no:  
16976 Q

License Area:  
14.75 hectares

ING Co-ordinates:  
A: 47202 E, 61438 N  
B: 47618 E, 61494 N  
C: 47665 E, 61147 N  
D: 47249 E, 61091 N

**PROJECT:** Aquaculture Licence Application  
Seaweed Farm, Site 1 (West), Rinneen, Waterville, Co.Kerry

**CLIENT:** O'Donovan - O'Driscoll (Ballinskelligs Sea Farms)

**Notes:**  
1. All dimensions are in metres unless noted otherwise  
2. All levels are in metres related to Ordnance Datum  
3. Co-ordinates to Irish National Grid.  
4. Application Site outlined in RED

**TITLE:** Seaweed Line Detail

Appl No: T05/\_\_\_\_

Scale: 1:200 @ A4

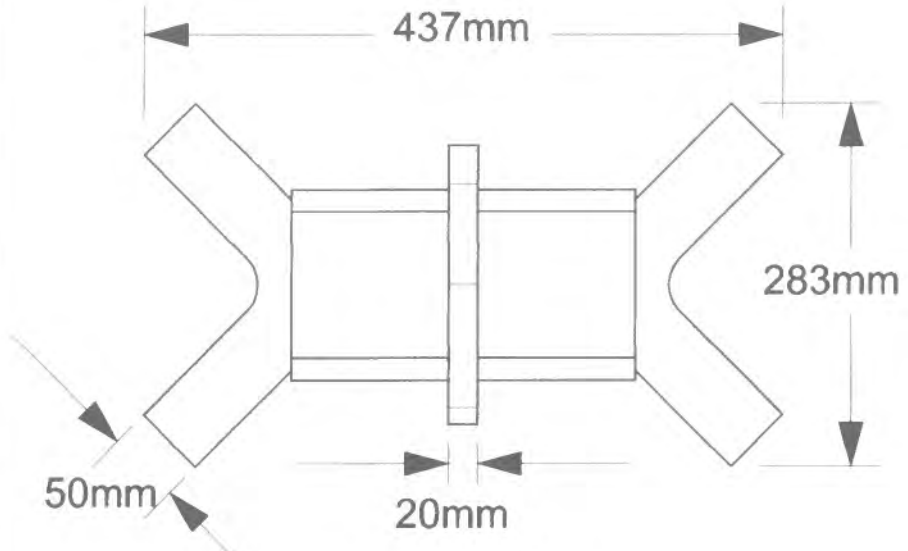
Date: July 2019

Drq No: T06/498-03

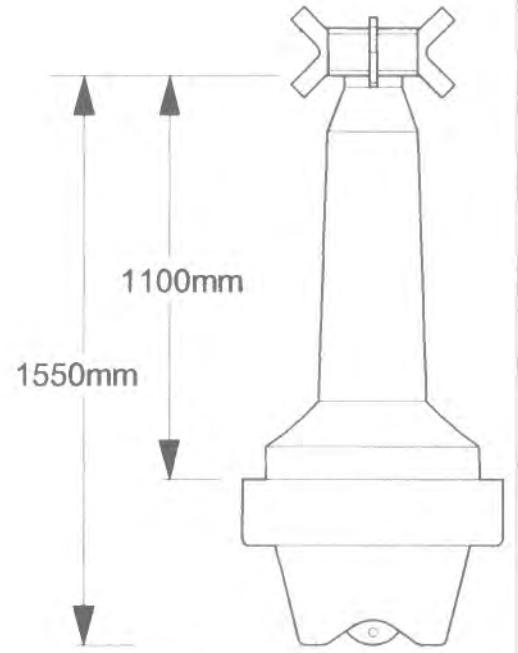
Rev: 0

Mark Gallagher Architect  
MR/Al Dip Eng BA BArch  
Everies, Beara, Co. Cork  
+353 . 86 . 0858593

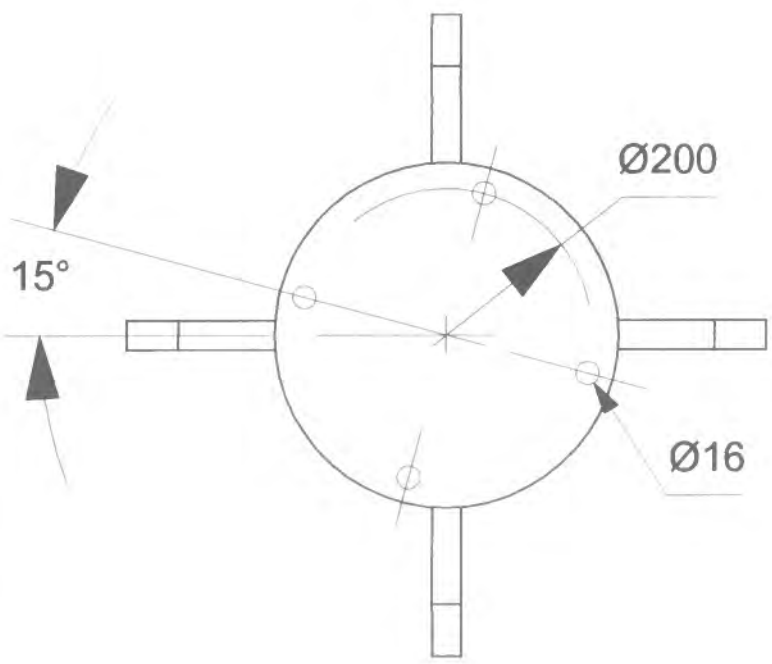
T06/519



**ELEVATION :**  
**SPECIAL MARK BEACON**  
Scale 1:5



**ELEVATION :**  
**FLOATING MARKER BUOY**  
Scale 1:20



**PLAN :**  
**SPECIAL MARK BEACON**  
Scale 1:5

- Floating Marker Buoy Specification**
- Total Height 1550mm
  - Total Weight 65kg
  - Diameter 600mm
  - Volume 189 litres
  - Focal View 1100mm
  - Mooring Ring Diameter 25mm
  - Mooring block & line suitable for location



OS License: OS License EN 0079314 Admiralty Chart License Chart provided by client Admiralty Chart License no: 16976 Q  License Area: License Area 14.75 hectares  ING Co-ordinates A: 47202 E, 61438 N B: 47618 E, 61494 N C: 47665 E, 61147 N D: 47249 E, 61091 N	<b>PROJECT:</b> Aquaculture Licence Application Seaweed Farm, Site 1 (West), Rinneen, Waterville, Co.Kerry	<b>Appl No:</b> T05/____	
	<b>CLIENT:</b> O'Donovan - O'Driscoll (Ballinskelligs Sea Farms)	<b>Scale:</b> (as stated)	<b>Drg No:</b> T00/____-05
<b>Notes:</b> 1. All dimensions are in metres unless noted otherwise 2. All levels are in metres related to Ordnance Datum Malin. 3. Co-ordinates to Irish National Grid. 4. Application Site outlined in RED	<b>TITLE:</b> Special Marker Beacon Detail	 <b>Mark Gallagher Architect</b> MRIAI Dip Eng BA BArch <b>Eyeris, Beara, Co. Cork</b> +353 . 86 . 0858593	





## Marine Engineering Division

### Report on Aquaculture Licence Application

**Application Reference No:** T06/519

**Report Prepared By:** Kate Sayers

**Date:** 1<sup>st</sup> July 2020

**Applicant** Michael J O'Driscoll, Reen Ballinskelligs, Killarney, Co. Kerry  
Laura O'Donovan, Cooligboy, Timoleague, Bandon, Co. Cork

**Location** Ballinskellig Bay, Co Kerry

**Applicant Type** Aquaculture/Foreshore Licence Application

**Sites**

A
---

**Site Area (Ha)**

14.7 Ha
---------

**Species** All Native Red and Brown seaweeds including: Alaria esculenta (winged Kelp), Laminaria digitata (Kelp), Palmaria palmate (Dulse), Porphyra (Nori), Fucus vesiculosus (Bladderwrack), Saccharina latissima (Sugar Kelp), Laminaria hyperborean (Kelp), Ascophyllum nodosum (Asco), Ulva lactuca (Sea Lettuce), Himanthalia elongate (Sea Spaghetti)

**Cultivation Method** Rope lines and nets

**Intertidal/Non-Intertidal** Non-intertidal

**Annual Production Estimates** 200 tonnes.

**Shellfish Waters Designation Reference:** Yes  No

**Environmental Designation Reference:** Yes  No   
The site is adjacent to Ballinskelligs Bay and Inny Estuary SAC (Site Code: IE 000335) & the Iveragh Peninsula SPA (Site Code: IE 4154).

**Development Plans Reference:** Yes  No   
Kerry County Development Plan 2015-2021  
West Iveragh Local Area Plan 2019 – 2025

**Pre-Consultation Meeting Date:** Yes  No

## Drawing Validation Sheet

**OSI Maps**

Comment:

Yes  No

1:10,560 scale maps prepared by GIS Mapping Section attached.

**BA Chart**

Comment:

Yes  No

BA Charts 1:24,000 prepared by GIS Mapping Section attached.

**Farm Layout Drawing**

Directional Arrow

Scale

Title Block

Date

Comment:

Yes  No

Yes  No

Yes  No

Yes  No

Yes  No

**Drawings of structures**

Comment:

Yes  No

**Details of Proposed  
Navigation Marking**

Comment:

Yes  No

**Site Access Indicated**

Comment:

Yes  No

**Site Co-Ordinates  
Indicated**

Comment:

Yes  No

**Site Overlap**

Comment:

Yes  No

**Oyster Fishery Order  
Overlap**

Comment:

Yes  No

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

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

## **Site Suitability Assessment**

### **Site Location**

The site is located in Ballinskellig Bay overlooked by the route of the Wild Atlantic Way, the Ring of Kerry and the Kerry Way.

The site is adjacent to Ballinskelligs Bay and Inny Estuary SAC (Site Code: IE 000335) and the Iveragh Peninsula SPA (Site Code: IE 4154). The site is 2.7km from Kenmare River SAC (Site Code: IE 002158), 3.6km from Killarney National Park, MacGillycuddy's Reeks and Caheragh River Catchment SAC (Site Code: IE 000365) and 3.8km from Deenish Island and Scariff Island SPA (Site Code: IE 004175).

### **Proposed Site Layout and Structures**

This is a new application for the cultivation of seaweed using the standard rope and net cultivation method recommended in BIM Seaweed Growing Manual. The applicant proposes to install 28 No. 330m seaweed lines with battleship grey JFC MF130 flotation buoys.

### **Land Based Facilities / Site Access**

Site access is by boat from a nearby slipway. The access point indicated on the applicant's drawing is within Ballinskelligs Bay and Inny Estuary SAC (Site Code: IE 000335).

### **Navigation**

The applicant has included a detailed drawing of special marker beacons. The Marine Survey Office should be consulted regarding any proposed navigation mark layouts.

### **Visual Impact**

The site is overlooked by the N70 Wild Atlantic Way / Ring of Kerry and the Kerry Way. However, as the site is over 3km from the N70 the views of the seaweed lines and navigation markers will be obscured and limited.

### **Impact / Cumulative Impact**

The site is located adjacent to seaweed application site T06/520. In my opinion the cumulative impact of the proposed sites is not significant.

The Marine Engineering Division has no objection to the granting of a licence for this site.



Rinville,  
Oranmore,  
Co. Galway  
Tel: 091 387200

Date: 04 August 2020

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

**Advice on Aquaculture Licence Application**

<b>Applicant</b>	<b>Michael J. O'Driscoll and Laura O'Donovan</b>
<b>Application type</b>	<b>New</b>
<b>Site Reference No</b>	<b>T06/519A</b>
<b>Species</b>	<b>Native red and brown seaweeds - using longlines</b>
<b>Site Status</b>	<b>Not located within a Natura 2000 Site.</b>

Dear Bernie

This is an application for an aquaculture licence to cultivate native red and brown seaweeds including *Alaria esculenta*, *Laminaria digitata*, *Palmaria palmata*, *Porphyra spp.*, *Fucus vesiculosus*, *Saccharina latissimi*, *Laminaria hyperborean*, *Ascophyllum nodosum*, *Ulva lactuca* and *Himantalia elongata* using longlines on the foreshore at Site T06/519A in Ballinskelligs Bay, Co. Cork. The area of foreshore at Site T06/519A is 14.6984Ha.

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

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

It is the Marine Institute's view that the potential risk of pollution caused by cultivating seaweeds as proposed is minimal. No hazardous or toxic chemicals are used in the production process. Like all other plants, seaweeds require sunlight and inorganic nutrients (Nitrogen and Phosphorous) for growth. These nutrients are present naturally in seawater and there are no requirements for input of "feed" or other chemicals. The cultivated seaweeds do not excrete toxic or potentially polluting substance as part of their growth cycle. There is a risk of pollution as a result, for example, of a fuel or hydraulic fluid spill from vessels used as part of the management activities e.g. seeding of ropes, harvesting of the seaweed, at the site. Given the scale of the proposal, however, any such events are likely to be minor and localised and the risk is considered to be minor.

Site T06/519A is not located within a designated Natura 2000 site and, as set out in the AA Screening Report for Ballinskelligs Bay<sup>1</sup> the Marine Institute is of the view that significant impacts on any features of adjacent Natura 2000 sites are not likely.

In order to be able to assess and manage the potential risk of the introduction of invasive non-native species, the MI recommends that the initial source of plantlets / seeded strings for seaweeds, and other sources which may be used at any point in the future, should be approved by the Minister. This approval should be a specific condition of any licence that may issue.

<sup>1</sup>

Notwithstanding the recommendation outlined above, and in the event that an Aquaculture Licence is granted, the movement of stock in and out of the site should follow best practice guidelines as they relate to the risk of introduction of invasive non-native species (e.g. [Invasive Species Ireland](#)). In this regard it is recommended that, prior to the commencement of operations at the site, the applicant be required to draw up a contingency plan, for the approval of DAFM, which shall identify, *inter alia*, methods for the removal from the environment of any invasive non-native species introduced as a result of operations at this site. If such an event occurs, the contingency plan shall be implemented immediately.

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

Kind regards,

A handwritten signature in black ink, appearing to read 'Terry McMahon', written in a cursive style.

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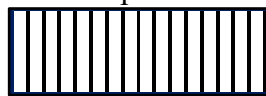
Dr. Terry McMahon  
Section Manager, Marine Environment and Food Safety Services,  
The Marine Institute.



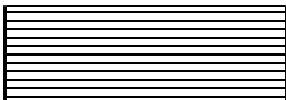
Aquaculture Site



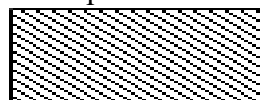
Special Area of Conservation



Shellfish Waters Directive Area



Special Protection Area





T +353.1.271.5400

F +353.1.271.5566

E [info@irishlights.ie](mailto:info@irishlights.ie)

W [www.irishlights.ie](http://www.irishlights.ie)

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

*Your Reference:* T06/519

*Our Reference:* LA:0540.0250

*Date:* 22/10/2019

**LL: LA:** 0540.0250

**Applicant:** Ballinskelligs Sea Farms

**Site:** Ballinskelligs, Co Kerry

Dear Ms. McDonald

Thank you for your letter advising us of this application.

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

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

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

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

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

Furthermore, if a licence is granted, the UK Hydrographic Office at Taunton: [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk) must be informed of the development's geographical position in order to update nautical charts and other nautical publications.

Yours sincerely,

**Capt. Catriona Dowling**  
**Navigation Services Manager**



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

**From:** O'CALLAGHAN Tom [TomOCallaghan@dtas.gov.ie]  
**Sent:** 08 April 2020 16:37  
**To:** McDonald, Bernie  
**Cc:** Coakley, John; 'info@irishlights.ie'; Donlon, Peter (Peter.Donlon@bim.ie); mark.healy@irishlights.ie  
**Subject:** T6 519 seaweed on lines for Ballinskelligs Sea Farms close East of Hog's head in Ballinskelligs Bay

**CAUTION:** This Email originated from Outside of this department. Do not click links or open attachments unless you recognise the sender and know the content is safe. Otherwise Please Forward any suspicious Emails to [Notify.Cyber@agriculture.gov.ie](mailto:Notify.Cyber@agriculture.gov.ie) .

Dear Ms. McDonald,

Dear Mr. Coakley,

- This office has no objections from a navigational viewpoint to the above application; however the proposed site is in an exposed bay and all mooring equipment should be adequate to withstand weather conditions in this area.
- In order for charts and nautical publications to be updated the British Admiralty Hydrographic Office at Taunton , UK, is to be informed of the location and nature of the site.  
(Fax:0044 1823 284077, email : : [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk))
- The applicant is required to apply to the Commissioners of Irish Lights  
(Fax: 01-2715566, email: [info@irishlights.ie](mailto:info@irishlights.ie)) for sanction to establish the following lights and marks:

A yellow special mark buoy with light is to be located at each of the four corners of the site.

Regards

**Tom O'Callaghan (Capt.)**  
**Nautical Surveyor**  
*Marine Survey Office*

---

**An Roinn Iompair, Turasóireachta agus Spóirt**  
*Department of Transport, Tourism and Sport*

**Centre Park House, Bóthar Na Páirce Láir, Co. Corcaigh, T12 RKON**  
Centre Park House, Centre Park Road, Co. Cork, T12 RKON

---

T +353 (0)21 602 6323 Mob +353 87 7427712  
[tomocallaghan@dtas.gov.ie](mailto:tomocallaghan@dtas.gov.ie) [www.dttas.gov.ie](http://www.dttas.gov.ie)



\*\*\*\*\*

Tá eolas sa teachtaireacht leictreonach seo a d'fhéadfadh bheith príobháideach nó faoi rún agus b'fhéidir go mbeadh ábhar rúnda nó pribhléideach ann. Is le h-aghaidh an duine/na ndaoine nó le h-aghaidh an aonáin atá ainmnithe thuas agus le haghaidh an duine/na ndaoine sin amháin atá an t-eolas. Tá cosc ar rochtain don teachtaireacht leictreonach seo do aon duine eile. Murab ionann tusa agus an té a bhfuil an teachtaireacht ceaptha dó bíodh a fhios agat nach gceadaítear nochtadh, cóipeáil, scaipeadh nó úsáid an eolais agus/nó an chomhaid seo agus b'fhéidir d'fhéadfadh bheith mídhleathach.

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\*\*\*\*\*

**From:** Murphy, Mike [murphym@bim.ie]  
**Sent:** 10 September 2020 17:00  
**To:** McDonald, Bernie  
**Subject:** RE: Michael J O'Driscoll& Laura o' donovan T/a Ballinskelligs Sea Farm Ref; T06/519a and T06/520A

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Dear Bernie,

Re: Licence Consultations in Ballinskelligs, Co. Kerry, T06/519A and T06/520A, applications to grow brown and red seaweeds on longlines.

Following internal consultation within the Seafood Technical Services Business Unit, BIM, which includes aquaculture and inshore fisheries, BIM are satisfied that the proposed operations do not conflict with any other aquaculture or inshore fisheries interests in the area.

We have no objection to these applications.

Regards

Mike Murphy

**Michael Murphy**

Resource Development Manager North,  
Seafood Technical Services Business Unit,  
**BIM**

**T** +353 749732601

**M** +353 87 2476448

**E** [mike.murphy@bim.ie](mailto:mike.murphy@bim.ie)

---

**From:** McDonald, Bernie  
**Sent:** 31 July 2020 12:23  
**To:** Murphy, Mike  
**Subject:** FW: Michael J O'Driscoll& Laura o' donovan T/a Ballinskelligs Sea Farm Ref; T06/519a and T06/520A

Dear Consultee

Please see attached letter which refers to the above applications T06/519A and T06/520A

I would be grateful for any observations you may wish to make on the application which must be submitted **within six weeks** from the date of notification. As this correspondence is being sent by e-mail, the date of the e-mail is treated as the date of notification.

Details of the application and all other relevant documentation may be viewed on the Department's website at:

<https://www.agriculture.gov.ie/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshorelicencesapplications/kerry>

Regards

Bernie



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

**Bernie Mc Donald** | Aquaculture and Management Division

Department of Agriculture, Food and the Marine

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

Ionad Náisiúnta Bia Mara, Cloich na Coillte, Co. Chorcaí

[www.agriculture.gov.ie](http://www.agriculture.gov.ie) | Email: [bernie.mcdonald@agriculture.gov.ie](mailto:bernie.mcdonald@agriculture.gov.ie)

Tel: +353 23 8859538 (Direct Dial) | Tel: +353 23 8859500 (Switchboard)

Regards

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Tá an t-eolais san ríomhphost seo, agus in aon ceanglái leis, faoi phribhléid agus faoi rún agus le h-  
aghaigh an seolaí amháin. D'fhéadfadh ábhar an seoladh seo bheith faoi phribhléid profisiúnta nó  
dlíthiúil. Mura tusa an seolaí a bhí beartaithe leis an ríomhphost seo a fháil, tá cosc air, nó aon chuid de,  
a úsáid, a chóipeál, nó a scaoileadh. Má tháinig sé chugat de bharr dearmad, téigh i dteagmháil leis an  
seoltóir agus scríos an t-ábhar ó do ríomhaire le do thoil.

Your Ref: T06/519A & T06/520A

Aquaculture and Foreshore Management Division,  
Department of Agriculture, Food and the Marine,  
National Seafood Centre  
Clonakilty  
Co Cork

**Uisce Éireann**  
Teach Colvill  
24-26 Sráid Thalbóid  
Baile Átha Cliath 1  
D01 NP86  
Éire

**Irish Water**  
Colvill House  
24-26 Talbot Street  
Dublin 1  
D01 NP86  
Ireland

Date: 01/09/2020

**Re: Application for Aquaculture Licences**

T: +353 1 89 25000  
F: +353 1 89 25001  
[www.water.ie](http://www.water.ie)

Dear Sir/Madam,

We refer to your email notification of the 31/07/2020 regarding the above application for aquaculture licences and make the following observations.

We note that application refers to developments that are not within designated shellfish waters. For your information, we identify in the Table the coordinates of existing primary and secondary discharges operated by Irish Water discharging within 10 km of the proposed developments.

Application No.	Within 10 km of non primary discharge point			Within 10 km of primary discharge point		
		X	Y		X	Y
T06/519A	No			Yes	50112	65881
				Yes	43400	65088
T06/520A	No			Yes	50112	65881
				Yes	43400	65088

The Department may wish to consider the proximity of wastewater discharges to the proposed aquaculture developments when making a decision on this application.

Yours faithfully,



Suzanne Dempsey  
Spatial Planning Strategy Specialist  
Irish Water

**From:** Sayers, Kate  
**Sent:** 08 September 2020 15:48  
**To:** McDonald, Bernie  
**Cc:** Crowley, Raphael; OShea, Gearoid  
**Subject:** RE: Michael J O'Driscoll& Laura o' donovan T/a Ballinskelligs Sea Farm Ref; T06/519a and T06/520A  
**Attachments:** 20\_IW\_AQ\_09\_Ballinskelligs\_Bay\_T06\_519A\_T06\_520A.PDF; T06\_519A\_T06\_520A.PDF

Bernie,

MED have reviewed the attached reply from Irish Water and have the following comments. The application refers to sites T06/519A and T06/520A, which are both for seaweed and not shellfish. The sites are also in an open bay suitably distant (approx. 5.5km) from Irish Water discharge points so there should be no conflict with the discharge points. The fact that the application refers to sites that are not within designated shellfish waters does not preclude the Minister from issuing licences in these areas. AFMD should seek confirmation of the above views from SFPA or MI.

Regards,

**Kate Sayers,**  
*Engineer, Marine Engineering Division*

---

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

**Pointe Uí Rinn, Cathair Uí Mhóráin, Trá Lí, Co. Chiarraí, V92 X2TK**  
Reen Point, Blennerville, Tralee, Co. Kerry, V92 X2TK

---

T +353 (0)66 7149340  
[www.agriculture.gov.ie](http://www.agriculture.gov.ie)

---

**From:** OShea, Gearoid  
**Sent:** 02 September 2020 14:22  
**To:** Sayers, Kate  
**Cc:** Crowley, Raphael  
**Subject:** FW: Michael J O'Driscoll& Laura o' donovan T/a Ballinskelligs Sea Farm Ref; T06/519a and T06/520A

Kate,

Please see attached from Irish Water.

Regards,

Gearoid

---

**From:** McDonald, Bernie  
**Sent:** 02 September 2020 14:18  
**To:** OShea, Gearoid  
**Subject:** FW: Michael J O'Driscoll& Laura o' donovan T/a Ballinskelligs Sea Farm Ref; T06/519a and T06/520A

Hi Gearóid,  
Please see reply from Irish Water re the above sites.

Regards  
Bernie

---

**From:** Sheila Convery [<mailto:sconvery@water.ie>]  
**Sent:** 01 September 2020 13:02  
**To:** McDonald, Bernie  
**Cc:** Spatial Planning  
**Subject:** RE: Michael J O'Driscoll& Laura o' donovan T/a Ballinskelligs Sea Farm Ref; T06/519a and T06/520A

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Dear Bernie, please find attached the submission from Irish Water in connection with the two licence applications T06/519A and T06/520A.

Best wishes,

Sheila

**Sheila Convery**

**Spatial Analyst**  
**Asset Strategy & Sustainability**

**Uisce Éireann: Irish Water**  
Colvill House, Talbot St., Dublin 1, Ireland  
**T:** 01-89-25717 | **E:** [sconvery@water.ie](mailto:sconvery@water.ie)

---

**From:** McDonald, Bernie <[Bernie.McDonald@agriculture.gov.ie](mailto:Bernie.McDonald@agriculture.gov.ie)>  
**Sent:** Friday 31 July 2020 12:00  
**To:** 'environmentalplanning@fisheriesireland.ie'; 'terry.mcmahon@marine.ie'; 'Ben Dallaghan'

<[dallaghan@bim.ie](mailto:dallaghan@bim.ie)>; 'Joanne Gaffney - BIM' <[Joanne.Gaffney@bim.ie](mailto:Joanne.Gaffney@bim.ie)>; 'foreshore@housing.gov.ie'; 'planning@failteireland.ie'; 'naturalenvironment@antaisce.org'; 'fem.dau@chg.gov.ie'; 'spatialplanning@water.ie'; 'environ@kerrycoco.ie' <[environ@kerrycoco.ie](mailto:environ@kerrycoco.ie)>; 'Murphy.' <[Mike@bim.ie](mailto:Mike@bim.ie)>  
**Cc:** OConnell, James <[James.OConnell@agriculture.gov.ie](mailto:James.OConnell@agriculture.gov.ie)>  
**Subject:** Michael J O'Driscoll& Laura o' donovan T/a Ballinskelligs Sea Farm Ref; T06/519a and T06/520A

Dear Consultee

Please see attached letter which refers to the above applications T06/519A and T06/520A

I would be grateful for any observations you may wish to make on the application which must be submitted **within six weeks** from the date of notification. As this correspondence is being sent by e-mail, the date of the e-mail is treated as the date of notification.

Details of the application and all other relevant documentation may be viewed on the Department's website at:

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Regards

Bernie



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

**Bernie Mc Donald** | Aquaculture and Management Division

Department of Agriculture, Food and the Marine

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

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Tel: +353 23 8859538 (Direct Dial) | Tel: +353 23 8859500 (Switchboard)

Regards

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aghaigh an seolaí amháin. D'fhéadfadh ábhar an seoladh seo bheith faoi phribhléid profisiúnta nó  
dlíthiúil. Mura tusa an seolaí a bhí beartaithe leis an ríomhphost seo a fháil, tá cosc air, nó aon chuid de,  
a úsáid, a chóipeál, nó a scaoileadh. Má tháinig sé chugat de bharr dearmad, téigh i dteagmháil leis an  
seoltóir agus scríos an t-ábhar ó do ríomhaire le do thoil.

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limited by shares, is a subsidiary of Ervia, established pursuant to the Water Services Act 2013,  
having its principal place of business at Colvill House, 24-26 Talbot Street, Dublin 1.

Thank you for your attention.

Tá an fhaisnéis á seachadadh dírithe ar an duine nó ar an eintiteas chuig a bhfuil sí seolta amháin  
agus féadfar ábhar faoi rún, faoi phribhléid nó ábhar atá íogair ó thaobh tráchtála de a bheith mar  
chuid de. Tá aon athsheachadadh nó scaipeadh den fhaisnéis, aon athbhreithniú ar nó aon úsáid  
eile a bhaint as, nó aon ghníomh a dhéantar ag brath ar an bhfaisnéis seo ag daoine nó ag eintitis  
nach dóibh siúd an fhaisnéis seo, toirimisce the agus féadfar é a bheith neamhdhleathach. Níl  
Uisce Éireann faoi dhliteanas maidir le seachadadh iomlán agus ceart na faisnéise sa chumarsáid  
seo nó maidir le haon mhoill a bhaineann léi. Ní ghlacann Uisce Éireann le haon dliteanas faoi  
ghnímh nó faoi iarmhairtí bunaithe ar úsáid thoirmiscithe na faisnéise seo. Níl Uisce Éireann faoi  
dhliteanas maidir le seachadadh ceart agus iomlán na faisnéise sa chumarsáid seo nó maidir le  
haon mhoill a bhaineann léi. Má fuair tú an teachtaireacht seo in earráid, más é do thoil é, déan  
teagmháil leis an seoltóir agus scríos an t-ábhar ó gach aon ríomhaire. Féadfar ríomhphost a  
bheith soghabhálach i leith truaillithe, idircheaptha agus i leith leasaithe neamhúdairithe. Ní  
ghlacann Uisce Éireann le haon fhreagracht as athruithe nó as idircheapadh a rinneadh ar an  
ríomhphost seo i ndiaidh é a sheoladh nó as aon dochar do chórais na bhfaighteoírí déanta ag an  
teachtairacht seo nó ag a ceangaltáin. Más é do thoil é, tabhair faoi deara chomh maith go  
bhféadfar monatóireacht a dhéanamh ar theachtairachtaí chuig nó ó Uisce Éireann chun  
comhlíonadh le polasaithe agus le caighdeáin Uisce Éireann a chinntiú agus chun ár ngnó a  
chosaint. Fochuideachta gníomhaíochta de chuid Ervia is ea Uisce Éireann atá faoi theorainn



scaireanna, de bhun fhorálacha an tAcht um Sheirbhísí Uisce 2013, a bhfuil a bpríomh ionad gnó ag 24-26 Teach Colvill, Sráid na Talbóide, BÁC 1.

Go raibh maith agat as d'aird a thabhairt.



AN t-ÚDARÁS UM  
CHOSAINT  
IASCAIGH MHARA

SEA-FISHERIES  
PROTECTION  
AUTHORITY

5<sup>th</sup> November 2019

Bernie McDonald,  
Aquaculture and Foreshore Management Division,  
Department of Agriculture, Food and the Marine,  
National Seafood Centre  
Clonakilty,  
Co. Cork.

**Re: Aquaculture and Foreshore Licence application T06/519 for Ballinskelligs  
Sea Farms, Ballinskelligs Bay, Co. Kerry**

- The issuing of an Aquaculture and Foreshore licence in the area identified as T06/519 for the cultivation of seaweed would have a **negative impact** on local inshore sea fishing operations.

Yours sincerely,

John Falvey  
Senior Port Officer,  
Sea Fisheries Protection Authority,  
Dingle, Co. Kerry.

**From:** Falvey, John  
**Sent:** 15 October 2020 13:23  
**To:** McDonald, Bernie  
**Cc:** Phair, Ann; OConnell, James  
**Subject:** RE: Ballinskelligs Sea Farm T06-519A and T06-520A

Afternoon Bernie

Local sea fishing operations in this area primarily involve potting for lobster and crab. This area is an important fishing ground for a number of inshore fishing vessels during the summer months, particularly between outer Hogs Head and Rineen Point. The size of the proposed sites (14.7ha x 2) would adversely affect their ability to deploy their fishing gear in this area where they have operated for many years. Furthermore, the fishermen often move their fishing gear (>300 pots) to this location in storms/heavy swells as it provides a greater degree of shelter than other areas of Ballinskelligs Bay.

Regards

John

**John Falvey**  
Senior Port Officer

**T** +353 27 70439  
**F** +353 87 8211728  
**E** [john.falvey@sfpa.ie](mailto:john.falvey@sfpa.ie)



An t-Údarás um Chosaint Iascaigh Mhara, An Bothar Thuaidh, Baile Caisleán Bheárta, Contae Chorcaí.  
Sea Fisheries Protection Authority, North Road, Castletownbere, Co. Cork  
Eircode: P75 YC60  
[www.sfpa.ie](http://www.sfpa.ie)

---

**From:** McDonald, Bernie  
**Sent:** Monday 12 October 2020 15:35  
**To:** Falvey, John  
**Cc:** Phair, Ann ; OConnell, James  
**Subject:** Ballinskelligs Sea Farm T06-519A and T06-520A

Hi John,

I refer to your responses to the Aquaculture and Foreshore Licence application T06/519 and T06/520 for Ballinskelligs Sea Farms, Ballinskelligs Bay, Co. Kerry.

Our department is currently reviewing submissions received from the various public and statutory stakeholders in order to make a decision on these applications.

Upon review of the SFPA recommendation that both T06/519 and T06/520 would have a **negative impact** on local inshore sea fishing operations we would be obliged if certain details could be clarified in order for the minister to make an informed determination in relation to these applications.

Namely can more information be provided on the location, fishing methods, target species etc of the local inshore seafishing operations that the SFPA have advised would be negatively impacted?

In addition information on how the method of cultivation of these applications would impact local inshore seafishing operations and measures (if any) that could be implemented to mitigate such impacts.

Regards,

Bernie McDonald

Department of Agriculture, Food and the Marine

National Seafood Centre, Clonakilty, Co Cork, P85TX47

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

23<sup>rd</sup> of February 2021

To: Bernie McDonald

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

**Ref: T06/519A and T06/520A**

**RE: Applications for two Aquaculture Licences**

Dear Bernie,

Thank you for your correspondence dated the 16<sup>th</sup> of February 2021 and the opportunity to comment on these observations.

**Regarding the observations of the MSO.**

We note that the MSO has no objections from a navigational perspective.

The applicants intend to utilise appropriate mooring equipment suitable for sites and will be working closely with BIM's technical section to source and deploy appropriate structures that meet all current legislative and industry specifications.

The applicants will inform all necessary bodies, once the licenses are granted, including the British Admiralty Hydrographic Offices and the Commissioners of Irish Lights, and will apply for sanction to CIL for the suggested marking and lighting arrangement as outlined by the MSO.

**Regarding the observations of the SFPA.**

We note that the SFPA have formed an opinion that the proposed licenses would have a negative impact on the local inshore sea fishing operations. We also received an explanation of this opinion outlined in the correspondence dated the 15<sup>th</sup> of October 2020, signed by Mr. John Falvey, Senior Port Officer.

Prior to making this application the applicants would have consulted with the fishermen living and working from Ballinskelligs Bay. One of the applicants Mr. Michael Joe O'Driscoll's family have fished from Ballinskelligs Pier for generations, with Mr. O'Driscoll living less than 100m from the pier.

In scoping the suitability of these sites for the purpose of cultivating seaweed, Mr. O'Driscoll was able to draw information provided by local, active and registered fishermen, living, and working from Ballinskelligs Bay for many generations.

Mr. O'Driscoll would have consulted widely with local community and various interest groups regarding the application and the positioning of these sites.

The applicants followed the application process as set out in Legislation, and the public were consulted, through the proscribed publication of the application in the local press "The Kerryman". The number of observations/objections received by the department, from the general advertising of the application in the local Newspaper, was **Zero**, which might suggest that any perceived impacts of the proposed applications would be considered, at worst, minimal by the general public, including the Inshore fishermen living and working in Ballinskelligs Bay.

No locally based fishermen, living and working from Ballinskelligs Bay, objected, or negatively commented on the application. Also, no fishermen working in and around the South/South-West Kerry general area, objected or commented negatively on the application. It can be noted that no fishermen's organization or representative body, local or national objected or commented negatively on these applications.

It then appears strange that the SFPA can draw such an opinion without a thorough consultation process with the local Industry, as would have been the case with the applicants, in preparing their applications and through their participation in the legislated public consultancy process. In receiving these observations from the SFPA, the applicant has approached local fishermen living and working in the area, to verify whether they had been consulted by the SFPA regarding this matter, prior to the 20<sup>th</sup> of October 2020, the date of response. None of the local fishermen, living and working from Ballinskelligs Bay had been contacted or consulted on this matter.

The consensus from the local community, including the local fishing Industry was one of support. This can be substantiated in the fact that no fishermen, local or otherwise, indeed no member of the general public, given the opportunity during the public consultancy process, chose to voice an objection or negative comment in regard to these license applications.

To bring some context to the applications, in relation to Ballinskelligs Bay.

Ballinskelligs Bay has an area of approximately 4000 Hectares, With the license applications representing 29.4 Hectares, which is equal to 0.735% of the overall bay area, leaving an area of 99.265 % of the bay for other activities.

The area mentioned specifically by the SFPA is between Outer Hogs Head and Rineen point, is approximately 100 Hectares, with the proposed sites being positioned to avoid the 70 most productive Hectares from an inshore fishing perspective, as determined by the applicants, during their initial consultation with the local inshore fishermen, which may explain the lack of objections or negative comments from Inshore fishermen in the area.

The sites have been positioned to avoid the main lobster/crab fishing grounds, being 100 to 130 meters from the shore and providing necessary access to the shoreline fishing ground. The sites have been positioned to allow maximum access between the sites of over 100m to allow for ease of access for inshore vessels and other users. The sites have been positioned after consultation with local fishermen who have worked and lived in Ballinskelligs Bay for many generations. As inshore boats fishing in the area are generally less than 10m, then it is unlikely that the operational area for the applications will provide any practical impediment to their fishing activities.

As stated by the SFPA the lobster and crab are predominantly a summer seasonal fishery, which would be the case. Also, lobster and crab migrate in summer, from deeper water to shallow water, which is also the case. The fact that these migrations occur suggests that any shellfish will naturally move from the deeper water to the shallower shoreline, and so move from the seaweed farm operational area, as the summer progresses. These migratory movements would be an undisputed fact in the fishing community.

Also Seaweed Farms due to their minimum impact provide a sanctuary for small shellfish, juvenile fish and outer sea vegetation. These sanctuaries become natural nursery grounds, with the potential to enhance the local ecosystem and assist in natural restocking. This will ultimately increase the available shellfish resource available to the inshore fleet, making it more profitable and more sustainable.

Also, the Seaweed Farm can provide a useful tool in the removal of Nitrates and Phosphates in the Bay. This mitigation will have the effect of improving water quality and so help to regenerate and maintain the ecosystem of the bay, thus improving the carrying capacity of the bay, which can only have a positive effect on the shellfish productivity and the sustainability of the Inshore fisheries.

The SFPA state that local fishermen use this area for the storage of pots in bad weather. We presume that this is during the summer as it is a summer fishery, which seems unusual and certainly would be disputed by the applicants and other fishermen living and working in Ballinskelligs Bay.

If this were the case, then it would only be temporary in nature given the smaller probability of large storms from April to August. Given the sites under application are exposed from a westerly and North west wind direction then, it must be assumed, given the prevailing South-westerly winds that pots may be stored in southerly storms /heavy seas, during this summer fishery. Given this is the case, and after consulting with local Fishermen living in the area, the area from Outer Hogs head to Carrigosheen Rocks, would also be sheltered for that purpose of storing pots, however unlikely that purpose might be.

This area measures 310 Hectares of shelter water, of which, 29.4 Hectares would be used for the operational area of the seaweed farms leaving 91.5% of the area available for the storage of pots, in the unlikely event that an inshore fisherman, chooses to move all their pots into one specific area in summer, then this area could accommodate thousands of stored pots if required.

The applicant has taken photographs of the area on the 19<sup>th</sup> of February 2021(see attached File), which we have attached, this was taken with heavy swell and in south-westerly storm conditions. As can be seen this area has absolutely no floatation markers visible,

These pictures show that whatever about summertime, the area in question is not used for long term storage of any pots during the winter, from November to March. This can be validated by local fishermen working and living in the Bay.

Therefore, we can assume that possibility of temporary storage may only occur for a few days over a period of 2 months in the year and given the availability of alternative storage areas, close by, then we cannot understand how this can negatively impact the local industry other than by creating a little inconvenience.

We also question how an area that the SFPA says is used predominantly for storage, has an economic impact that is equivalent to or greater than the outputs of the prospective seaweed farms. These farms can create 4 full time and 6 parttime local jobs, on farm in the bay, with minimal displacement of any existing operators and users of the bay, while utilising only 0.735% of the area of the bay. The areas in question, under normal fishing operations would only represent a very small operational area, available to the inshore fisheries, given that the applications avoid the most productive fishing ground, then the economic impact on the Inshore fishing Industry could only be minimal.

The Applicants would hope to process and pack the seaweed on shore in a local facility, this would lead to a further creation of 6 jobs onshore, and a range of seaweed added value products that will add to the local economy, in a measurable and sustainable fashion.

We note that the SFPA have not outlined any specific economic impact, as regards the loss of these operational areas to the Inshore Sea Fisheries or made reference to any Scientific or Industry data that may substantiate such an argument.

We also note the letter of request of further information from the Department of Marine dated the 12th of October 2020.

We understand that aquaculture and inshore fisheries will always be in competition, when it comes to operational area, and inshore Fishermen, can feel particularly aggrieved by the "apparent loss" of "Fishing Grounds", even if they are the least productive and seldom used.

It is obvious from the response from the general public and the remainder of statutory consultees, that there were no other grounds for objection or negative comment to be made on these applications, that there are no other apparent underlying issues surrounding these applications. The SFPA is the only consultee to have voiced a negative comment, The applicants are extremely aware and concerned by the possible consequences on the applications, when such a comment is made by a statutory consultee, but given the possible significant impact of a negative comment, then the SFPA should be in a position to give substantive and relevant detailed context to any comment, based on existing documented Industry data, accepted scientific principles and/or the appropriate legislation, which would be in keeping with their remit.



We note that it appears that the SFPA have only provided part of the requested information, to the department and have failed to respond to paragraph 5 of the Departments request for further information.

*"In addition, information on how the method of cultivation of these applications would impact local inshore sea fishing operations and measures (if any) that could be implemented to mitigate such impacts."*

The SFPA has failed to provide any information on possible mitigation of any possible impacts, which could imply that the SFPA is not aware of any possible means to mitigate any preserved impacts, which is obviously not the case. The SFPA, from past experience, could have suggested some form of measure, that could be used to mitigate any perceived impacts, but chose not to in this case. This might be explained by the fact that the impacts are so marginal and minimal, that mitigation, in this case, is not an issue.

The fact that no negative scientific or legislative, arguments have been made, by the SFPA, is certainly positive. The only implied negative impact seems to be from a loss of operational area. You would imagine that if fishermen who operates in this area, and could see a threat to their livelihood, would have taken the opportunity to voice their opinion in the public consultancy process, as per legislation. The information provided in the response to the department by the SFPA is not substantive and gives no indication of how this information was attained or the process by which Industry consultation took place, Again, the applicants have been made aware that licenced fishermen, living and working in the area, were not part of any consultancy process regarding these applications.

The applicants agree that the SFPA have outlined a possible issue over operational area, we also agree that there is a possibility of minimal impact on the local inshore Fishing industry, but we also would contend that this can be the case with many sea-based aquaculture applications, but it would be highly unusual for the Inshore Fishing community not to voice an opinion, if the Industry felt it had just grounds to comment. This would normally occur during the public consultation phase of the application but did not happen in this case.

The applicants would contend that the observed Negative Impact on local Inshore sea fishing operations, appears to be exaggerated and that the actual impacts may be more of "inconvenience" in nature. But again no Fisherman or no Fisherman's representative Organisation, has made any observation or Negative comment on these applications.

The applicants would also contend and that the long-term benefits of having healthier and more productive ecosystems would ultimately be, to the benefit of the local inshore sea fishing Industry as well as other users of Ballinskelligs Bay and that these benefits will ultimately completely outweigh any preserved inconvenience, real or otherwise.

Yours Sincerely.

*Michael J O' Driscoll*

*Michael Joe O'Driscoll, on behalf of the Applicants*





**From:** Falvey, John  
**Sent:** 03 March 2021 11:58  
**To:** McDonald, Bernie; Phair, Ann  
**Cc:** OConnell, James  
**Subject:** RE: Ballinskelligs Seafarms Ref; T06-519A and T06-520A  
**Attachments:** Ballinskelligs NIFA.PDF

Good Morning Bernie

The SFPA fully stands over the observations we have already made in respect of these applications.

Please see attached a letter from Mr Alex Crowley of the National Inshore Fishermens's Association which outlines in detail the concerns of the local inshore fishing community regarding the applications.

If you require any further information please let me know.

Regards

John

**John Falvey**  
Senior Port Officer

**T** +353 27 70439  
**F** +353 87 8211728  
**E** [john.falvey@sfpa.ie](mailto:john.falvey@sfpa.ie)



An t-Údarás um Chosaint Iascaigh Mhara, An Bothar Thuaidh, Baile Caisleán Bheárta, Contae Chorcaí.  
Sea Fisheries Protection Authority, North Road, Castletownbere, Co. Cork  
Eircode: P75 YC60  
[www.sfpa.ie](http://www.sfpa.ie)

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**From:** McDonald, Bernie  
**Sent:** 02 March 2021 12:55  
**To:** Falvey, John; Phair, Ann  
**Cc:** OConnell, James  
**Subject:** FW: Ballinskelligs Seafarms Ref; T06-519A and T06-520A

Hi John,

I refer to yours of 15/10/20 and applicants reply to these comments.  
Do you have any further views/comments on their reply?

Regards

Bernie McDonald



[www.inshore.ie](http://www.inshore.ie)



[nifa.secretary@gmail.com](mailto:nifa.secretary@gmail.com)

[nifo.secretary@gmail.com](mailto:nifo.secretary@gmail.com)

The Pier Store,  
Cahirciveen,  
Co. Kerry,  
02/03/2021

To Whom it may concern,

As you may be aware the National Inshore Fishermen's Association CLG (NIFA) was established in 2017 to represent Inshore Fishers, who operate vessels of less than twelve meters overall length, that meet the European Maritime Fisheries Fund (EMFF), Small Scale Coastal Fishers (SSCF) definition. NIFA works closely with the National Inshore Fishermen's Organisation CLG (NIFO) which was also established in 2017, to represent Inshore Fishers, who operate vessels of less than eighteen meters overall length, that do not meet that definition. Combined the two groups now have one hundred and seventy eight members nationally. These members, between them, operate approximately two hundred, commercial Inshore, fishing vessels.

NIFA has ten members based in South Kerry or on the Iveragh peninsula. The majority of these members would have had some experience in, and dependency on, various fisheries in Ballinskelligs Bay, at some stage in their careers. Fisheries including, inter alia, demersal/pelagic trawling, static netting, potting for lobster, brown and velvet crab, potting for shrimp, scallop dredging and fishing with hooks and lines. Of these members, [REDACTED], who operate the vessels, [REDACTED], respectively, would have the highest dependency. Their traditional fishing operations, spanning more than half a century, have been almost exclusively limited to Ballinskelligs Bay.

In relation to Aquaculture Licence applications T06/519A and T06/520A we can confirm that as of the above date, none of our members have been consulted with by the applicants. We can also confirm that none of our members are aware of, other, non-member fishers, being consulted with either.

In relation to the [REDACTED] dependency on Ballinskelligs Bay and more specifically the area covered by the above mention applications, it is common knowledge within our South Kerry membership and indeed the wider South Kerry community, that the [REDACTED] rely heavily on

this area as an area to shelter for their fishing equipment at times of bad weather, as it offers considerable shelter in prevailing South West wind and swell. The presence of any aquaculture infrastructure including anchors and cables will seriously impact on the [REDACTED] ability to continue to use this area for this purpose, something their family has done for in excess of sixty years.

Should you require any clarifications on the above, please contact me email to [nifa.secretary@gmail.com](mailto:nifa.secretary@gmail.com)

Regards,

Alex Crowley,

General Secretary, National Inshore Fishermen's Association CLG (NIFA)

<b>Appropriate Assessment Screening for aquaculture activity at Sites T06/519A and T06/520A in Ballinskelligs Bay</b>	
Brief description of the project or plan	<p>Currently there is no licenced aquaculture activity in Ballinskelligs Bay, Co. Kerry.</p> <p>Aquaculture licence applications have been submitted for the production of native seaweeds (<i>Alaria esculenta</i>, <i>Laminaria digitata</i>, <i>Laminaria hyperborea</i>, <i>Laminaria saccharina</i>, <i>Ascophyllum nodosum</i>, <i>Ulva lactuca</i>, <i>Porphrya spp</i>, <i>Fucus vesiculosus</i> <i>Palmaria palmata</i>, <i>Himanthalia elongata</i>) using longlines at Sites T06/519A and T06/520A in Ballinskelligs Bay. The location of the sites is shown in Figure 1. The area of foreshore at Site T06/519A is 14.69 Ha while the area of foreshore at Site T06/520A is 14.72 Ha.</p> <p>It is intended that the seaweeds are cultured using seeded strings on longlines supported by floating structures. It is intended that seeded strings will be sourced from within Ireland. It is anticipated that the maximum total annual production of seaweeds across the 2 proposed sites would be circa 400 tonnes.</p>

Brief description of the Natura 2000 sites	<p>Sites T06/519A and T06/520A are not located within a Natura 2000 site. The following Natura 2000 sites are adjacent to (within 15Km) of the proposed aquaculture sites (see Figure 1)</p> <p><b>Ballinskelligs Bay and Inny Estuary SAC (Site Code: 000335)</b></p> <p>This site is located at the western end of the Iveragh Peninsula, Co. Kerry, close to the town of Waterville. It comprises the marine waters of Ballinskelligs Bay, as far out as the five-fathom line, some adjoining terrestrial areas and the estuary of the River Inny upstream to Breahig townland. The site extends from Horse Island at the western end of the bay round to Rineen Point at its south-eastern side. Much of the site comprises shallow marine water, Ballinskelligs Bay, but it also supports a wide variety of other habitats, including intertidal mud/sand flats, sandy beaches, shingle, tidal river channels, sea cliffs, wet and dry grassland, freshwater marshes, swamps, cut-away bog, scrub, Bracken and saltmarsh.</p> <p>The site is of considerable conservation significance, particularly for the presence of two types of saltmarsh, Mediterranean salt meadows and Atlantic Salt Meadows listed on Annex I of the E.U. Habitats Directive and of a population of <i>Petalophyllum ralfsii</i>, a species listed on Annex II of this Directive.</p>
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	<p>The Conservation Objectives of this site are<sup>1</sup></p> <ul style="list-style-type: none"> <li>• To maintain the favourable conservation condition of Atlantic salt meadows (<i>Glauco- Puccinellietalia maritimae</i>) in Ballinskelligs Bay and Inny Estuary SAC</li> <li>• To maintain the favourable conservation condition of Mediterranean salt meadows (<i>Juncetalia maritimi</i>) in Ballinskelligs Bay and Inny Estuary SAC</li> <li>• To restore the favourable conservation condition of Petalwort in Ballinskelligs Bay and Inny Estuary SAC</li> </ul> <p><b>Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365).</b></p> <p>This very large site encompasses the mountains, rivers and lakes of the Iveragh Peninsula, and the Paps Mountains which stretch eastward from Killarney towards Millstreet. The majority of the site is in Co. Kerry, with a small portion in Co. Cork. This is the most mountainous region in Ireland and includes Carrauntoohil, the highest peak in the country at 1,039 m. Overall, the site is of high ecological value because of the diversity, quality and extensiveness of many of the habitats, and impressive list of rare species of flora and fauna. In recognition of its importance the Killarney National Park has been designated a World Biosphere Reserve</p> <p>The Conservation Objectives for this site are<sup>2</sup></p> <ul style="list-style-type: none"> <li>• To restore the favourable conservation condition of Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To restore the favourable conservation condition of Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or of the <i>Isoëto-Nanojuncetea</i> in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation in Killarney National Park,</li> </ul>
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<sup>1</sup> NPWS (2014) Conservation Objectives: Ballinskelligs Bay and Inny Estuary SAC 000335. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

<sup>2</sup> NPWS (2017) Conservation Objectives: Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC 000365. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.

	<p>Macgillycuddy's Reeks and Caragh River Catchment SAC</p> <ul style="list-style-type: none"> <li>• To restore the favourable conservation condition of Northern Atlantic wet heaths with <i>Erica tetralix</i> in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To restore the favourable conservation condition of European dry heaths in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To restore the favourable conservation condition of Alpine and Boreal heaths in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of <i>Juniperus communis</i> formations on heaths or calcareous grasslands in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of Calaminarian grasslands of the <i>Violetalia calaminariae</i> in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To restore the favourable conservation condition of <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To restore the favourable conservation condition of Blanket bogs (* if active bog) in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC,</li> <li>• To restore the favourable conservation condition of Depressions on peat substrates of the <i>Rhynchosporion</i> in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC,</li> <li>• To restore the favourable conservation condition of Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)* in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC,</li> <li>• To restore the favourable conservation condition of <i>Taxus baccata</i> woods of the British Isles* in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of Kerry Slug in Killarney National Park,</li> </ul>
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	<p>Macgillycuddy's Reeks and Caragh River Catchment SAC</p> <ul style="list-style-type: none"> <li>• To restore the favourable conservation condition of Freshwater Pearl Mussel in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To restore the favourable conservation condition of Marsh Fritillary in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of Sea Lamprey in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of Brook Lamprey in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC,</li> <li>• To maintain the favourable conservation condition of River Lamprey in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of Atlantic Salmon in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of Lesser Horseshoe Bat in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of Otter in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of Killarney Fern in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of Slender Naiad in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To restore the favourable conservation condition of Killarney shad in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> </ul> <p><b>Kenmare River SAC (Site Code: 002158)</b></p> <p>Kenmare River SAC in Co. Kerry, is a long, narrow, south-west facing bay. Exposure to prevailing winds and swells at the mouth diminishes towards the head of the bay. Numerous islands and inlets along the length of the bay provide further areas of additional shelter in which a variety of habitats and unusual communities occur. Kenmare River SAC has a wide</p>
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	<p>range of marine communities from exposed coast to ultra-sheltered areas.</p> <p>The Conservation Objectives for this site are;<sup>3</sup></p> <ul style="list-style-type: none"> <li>• To maintain the favourable conservation condition of Large shallow inlets and bays in Kenmare River SAC,</li> <li>• To maintain the favourable conservation condition of Reefs in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of Perennial vegetation of stony banks in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of Vegetated sea cliffs of the Atlantic and Baltic coasts in Kenmare River SAC,</li> <li>• To maintain the favourable conservation condition of Atlantic salt meadows (<i>Glauco- Puccinellietalia maritimae</i>) in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of Mediterranean salt meadows (<i>Juncetalia maritimi</i>) in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation ('grey dunes') in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of European dry heaths in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of Calaminarian grasslands of the <i>Violetalia calaminariae</i> in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of Submerged or partially submerged sea caves in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of Narrow-mouthed Whorl Snail in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of Lesser Horseshoe Bat in Kenmare River SAC</li> <li>• To restore the favourable conservation condition of Otter in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of Harbour Seal in Kenmare River SAC</li> </ul>
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<sup>3</sup> NPWS (2013) Conservation Objectives: Kenmare River SAC 002158. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

	<p><b>Deenish Island and Scariff Island SPA (Site Code: 004175)</b></p> <p>Deenish Island and Scariff Island are small- to medium-sized islands situated between 5 and 7 km west of Lamb’s Head off the Co. Kerry coast; they are thus very exposed to the force of the Atlantic Ocean. The vegetation is mostly grassland, with some heath occurring on the higher ground. Old fields are now overgrown with Bracken and brambles (<i>Rubus</i> spp.). The surrounding seas to a distance of 500 m around the islands are included within the site. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Fulmar, Manx Shearwater, Storm Petrel, Lesser Black-backed Gull and Arctic Tern.</p> <p>The Conservation Objectives for this site are<sup>4</sup></p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <ul style="list-style-type: none"> <li>• Fulmar (<i>Fulmarus glacialis</i>)</li> <li>• Manx Shearwater (<i>Puffinus puffinus</i>)</li> <li>• Storm Petrel (<i>Hydrobates pelagicus</i>)</li> <li>• Lesser Black-backed Gull (<i>Larus fuscus</i>)</li> <li>• Arctic Tern (<i>Sterna paradisaea</i>)</li> </ul> <p><b>Iveragh Peninsula SPA (Site Code: 004154)</b></p> <p>The Iveragh Peninsula SPA is a large site situated on the west coast of Co. Kerry. The site encompasses the high coast and sea cliff sections of the peninsula from just west of Rossbehy in the north, around to the end of the peninsula at Valencia Island and Bolus Head, and as far east as Lamb’s Head in the south. The site includes the sea cliffs, the land adjacent to the cliff edge and also areas of sand dunes at Derrynane and Beginish. The high water mark forms the seaward boundary except at Doulus Head/Killelan Mountain where the adjacent sea area to a distance of 500 m from the cliff base is included.</p> <p>The Conservation Objectives for this site are<sup>5</sup></p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p>
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<sup>4</sup> NPWS (2018) Conservation objectives for Deenish Island and Scariff Island SPA [004175]. Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht.

<sup>5</sup> NPWS (2018) Conservation objectives for Iveragh Peninsula SPA [004154]. Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht.

	<ul style="list-style-type: none"> <li>• Fulmar (<i>Fulmarus glacialis</i>)</li> <li>• Peregrine (<i>Falco peregrinus</i>)</li> <li>• Kittiwake (<i>Rissa tridactyla</i>)</li> <li>• Guillemot (<i>Uria aalge</i>)</li> <li>• Chough (<i>Pyrrhocorax pyrrhocorax</i>)</li> </ul> <p><b>Puffin Island SPA (Site Code: 004003)</b>  Puffin Island lies approximately 0.5 km off the northern side of St Finan's bay in south-west Co. Kerry. The island is almost divided into two halves – the southern half is a long narrow, rocky ridge, rising to 130 m, while the northern half broadens into a grassy plateau though has a high point of 159 m. The island is surrounded by mostly steep cliffs and slopes. Puffin Island is one of the most important seabird sites in Ireland</p> <p>The Conservation Objectives for this site are<sup>6</sup></p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <ul style="list-style-type: none"> <li>• Fulmar (<i>Fulmarus glacialis</i>)</li> <li>• Manx Shearwater (<i>Puffinus puffinus</i>)</li> <li>• Storm Petrel (<i>Hydrobates pelagicus</i>)</li> <li>• Lesser Black-backed Gull (<i>Larus fuscus</i>)</li> <li>• Razorbill (<i>Alca torda</i>)</li> <li>• Puffin (<i>Fratercula arctica</i>)</li> </ul>
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<b>Assessment criteria</b>	
Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the Natura 2000 site.	Seaweed is cultured using longlines supported by floating structures similar to those used for mussel culture. It is intended that seeded strings will be sourced from within Ireland.

<sup>6</sup> NPWS (2018) Conservation objectives for Puffin Island SPA [004003]. Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht

Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 site by virtue of:	
size and scale;	There are no direct or indirect impacts from the culture operations on the adjacent Natura 2000 sites.
Distance from the Natura 2000 site or key features of the site:	There is no spatial overlap between any of the aquaculture sites and the adjacent Natura 2000 sites.
Resource requirements (water abstraction etc.):	The culture of seaweed is reliant upon ambient nutrient levels in the water column and solar illumination. The production of seaweed does not use any resources required by the qualifying features of adjacent Natura sites.
Emissions (disposal to land, water or air):	The aquaculture sites, located in the subtidal area, would be accessed by boat. As a consequence, noise and pollution e.g. as a result of a fuel spill may present a risk to features of adjoining Natura sites with a specific marine element. The risks are, however, not considered significant at the proposed levels of aquaculture activity. It is considered that impacts would be localised and minor.
Excavation requirements:	There are no excavation or similar activities associated with the aquaculture activity
Transportation requirements:	Access routes to the aquaculture sites do not spatially overlap with any of the adjacent Natura 2000 sites. The produced aquaculture products would be transported offsite by lorry using the existing national road network with no impact on the adjacent Natura 2000 sites.
Duration of construction, operation, decommissioning:	None
Other:	

Describe any likely changes to the site arising as a result of:	
Reduction of habitat area:	There is no reduction in habitat area within any of the Natura 2000 sites considered arising from the proposed aquaculture production activities.
Disturbance to key species:	Given the separation distance of the production sites from the adjacent Natura 2000 sites and the absence of any clear “source –pathway – receptor” there will be no disturbance to key species within any Natura 2000 sites. There is no evidence in the scientific literature to suggest that aquaculture activities as proposed significantly impact on the bird species listed as Features of Interest in the SPAs.

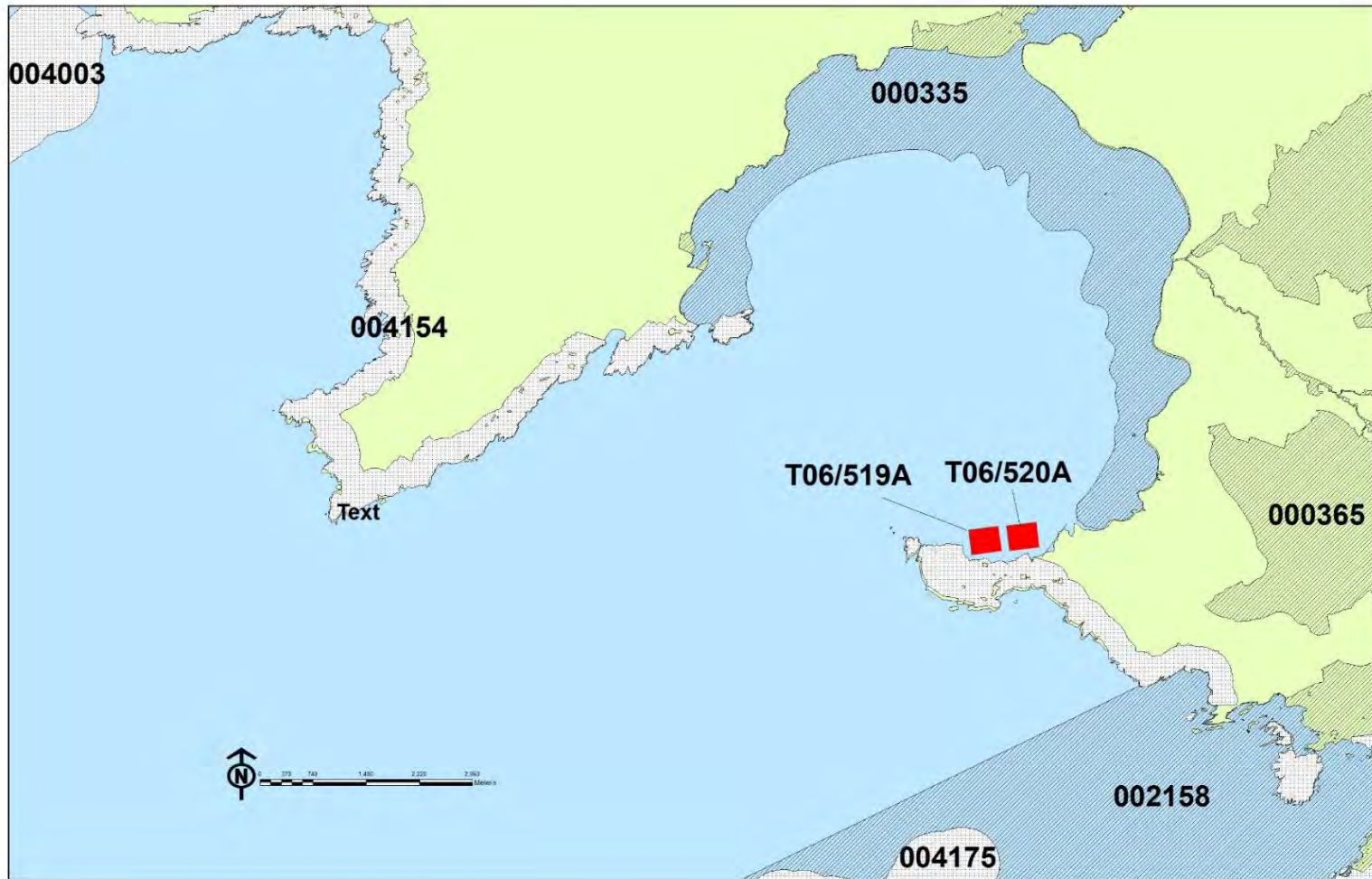
Habitat or species fragmentation:	There is no habitat or species fragmentation within the Natura 2000 sites arising from the aquaculture production activities.
Reduction in species density:	There is no reduction in species density within the Natura 2000 sites arising from the aquaculture production activities.
Changes in key indicators of conservation value (water quality):	There are no changes in key indicators of conservation value within the Natura 2000 sites arising from the aquaculture production activities.
Climate change:	Given the nature and scale of the aquaculture production activities the contribution to climate change is considered insignificant.



Describe any likely impacts on the Natura 2000 site as a whole in term of;	
Interference with the key relationships that define the structure of the site:	None of the activities associated with the proposed seaweed production at Sites T06/519A and T06/520A in Ballinskelligs Bay will interfere with the key relationships that define the structure of the adjacent Natura 2000 sites.
Interference with the key relationships that define the function of the site	None of the activities associated with the proposed seaweed production at Sites T06/519A and T06/520A in Ballinskelligs Bay will interfere with the key relationships that define the function of the adjacent Natura 2000 sites.
Provide indicators of significance as a result of the identification of effects set out above in terms of:	
Loss	None identified
Fragmentation:	None identified
Disruption:	None identified
Disturbance:	None identified
Change to key elements of the site (e.g. water quality etc.):	None identified
Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.	None identified

<b>Finding of no significance effect report:</b>	
Name of project or plan:	Aquaculture production of seaweeds at Sites T06/519A and T06/520A in Ballinskelligs Bay.
Name and location of Natura 2000 site It would be helpful for a map or plan to be provided:	See Figure 1.
Description of the project or plan	Aquaculture production of seaweeds at Sites T06/519A and T06/520A in Ballinskelligs Bay.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No.
Are there other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No.
Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site.	The cultivation of seaweeds at Sites T06/519A and T06/520A in Ballinskelligs Bay is not likely to affect the features of adjacent Natura 2000 sites.
Explain why these effects are not considered significant.	<p>There is no spatial overlap of the proposed aquaculture activity with Natura sites. In addition, there would be no interference with key relationships that define the function of the sites. The culture activities will not result in habitat loss, there will not be significant disturbance to key species and there will be no habitat or species fragmentation. There will be no direct discharge of pollutants into the environment and water quality will not be affected. Consequently, it is concluded that the culture of seaweed as it is proposed, the proposed aquaculture activities, individually or in-combination, do not pose significant risk to the conservation features of the adjacent Natura 2000 sites and as such do not require a full Appropriate Assessment.</p> <p>On the basis of the above it is considered that there will be <b><u>no significant effects</u></b> on the qualifying feature / interests' of the adjacent Natura 2000 sites.</p>
Who carried out the assessment?	Marine Institute, May 2020.

**Figure 1:** Location of aquaculture sites T06/519A and T06/520A in Ballinskelligs Bay and adjacent Natura 2000 sites. Ballinaskelligs Bay and Inny Estuary SAC (Site Code: 000335), Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365), Kenmare River SAC (Site Code: 002158), Deenish Island and Scariff Island SPA (Site Code: 004175), Iveragh Peninsula SPA (Site Code: 004154) and Puffin Island SPA (Site Code: 004003).





**T06/519A**

**FORESHORE LICENCE**

**Michael J. O'Driscoll and Laura O'Donovan,  
T/A Ballinskelligs Sea Farms,  
Reen,  
Ballinskelligs,  
Co. Kerry**

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SEAL OF OFFICE AND SIGNATURES

*SCHEDULE 1*

**DRAFT**

**FORESHORE LICENCE IN RESPECT OF A SITE**  
**(NUMBERED TXX/XXX) AT BALLINSKELLIGS BAY, CO. KERRY**

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

**Michael J. O’Driscoll and Laura O’Donovan,**  
**T/A Ballinskelligs Sea Farms**  
**Reen,**  
**Ballinskelligs,**  
**Co. Kerry**

(hereinafter referred to as the “Licensee”) of the other part, whereby the Minister, in exercise of the powers conferred on him by Section 3 of the Foreshore Act, 1933 (No.12 of 1933) hereby grants to the Licensee licence to use and occupy that part of the foreshore at Ballinskelligs Bay, Co. Kerry (numbered T06/519A) detailed in the attached schedule and more particularly delineated on the map annexed hereto and thereon coloured red for the purpose of the cultivation set out in Aquaculture Licence Number XXX on the terms and conditions set out in the attached pages.

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

## TERMS AND CONDITIONS APPLICABLE TO FORESHORE LICENCE

1. The Licensee shall pay to the Minister the annual sum of € XXXXX (XXXXX euro XXX cent), such payment to be made on the XX day of XXXXXXXXX in every year during the continuance of this Licence, the first of such payments to be made on the signing hereof.
2. The Licensee shall use that part of the foreshore, the subject matter of this Licence, for the cultivation set out in Aquaculture Licence Number XXX only and for no other purpose whatsoever.
3. The Licensee shall comply fully with all terms and conditions of Aquaculture Licence Number XXX.
4. The Licensee shall indemnify and keep indemnified the State, the Minister, his officers, servants or agents against all actions, loss, damage, costs, expenses and any demands or claims however arising in connection with the construction, maintenance or use of any structures, apparatus, equipment or any other thing used in connection with the licensed operation in the licensed area or in the exercise of the rights granted under the licence and the Licensee shall take such steps as the Minister may specify in order to ensure compliance with this condition.
5. The duty of maintenance and responsibility for the upkeep and safety of the site rests with the Licensee.
6. The Minister shall be at liberty at any time to terminate this Licence by giving to the Licensee three months notice in writing ending on any day, and upon determination of such notice, the Licence and permission granted shall be deemed to be revoked and withdrawn without the liability for the payment of any compensation by the Minister to the Licensee.
7. Any notice to be given by the Minister may be transmitted through the Post Office addressed to the Licensee at the last known address of the Licensee.
8. The Licensee shall not carry out any operations authorised by the Licence in the licensed area in such a manner as to interfere unreasonably with fishing or navigation in the vicinity of the licensed area and shall comply with any direction given to the Licensee in that regard by the Minister.
9. In the event of the breach, non-performance or non-observance by the Licensee of any of the conditions herein contained, the Minister may forthwith terminate this Licence without prior notice to the Licensee.

**AND IT IS HEREBY CERTIFIED THAT:**

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

**SEAL OF OFFICE AND SIGNATURES**

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

**WITNESS:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**OCCUPATION: CIVIL SERVANT**

**SIGNED on behalf of Licensee**

**in the presence of:**

**WITNESS:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**OCCUPATION:** \_\_\_\_\_

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

\_\_\_\_\_



## **SCHEDULE 1**

**Schedule 1 contains:**

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

**DRAFT**

**1 NO. SITE AT BALLINSKELLIGS BAY**  
**CO.KERRY**

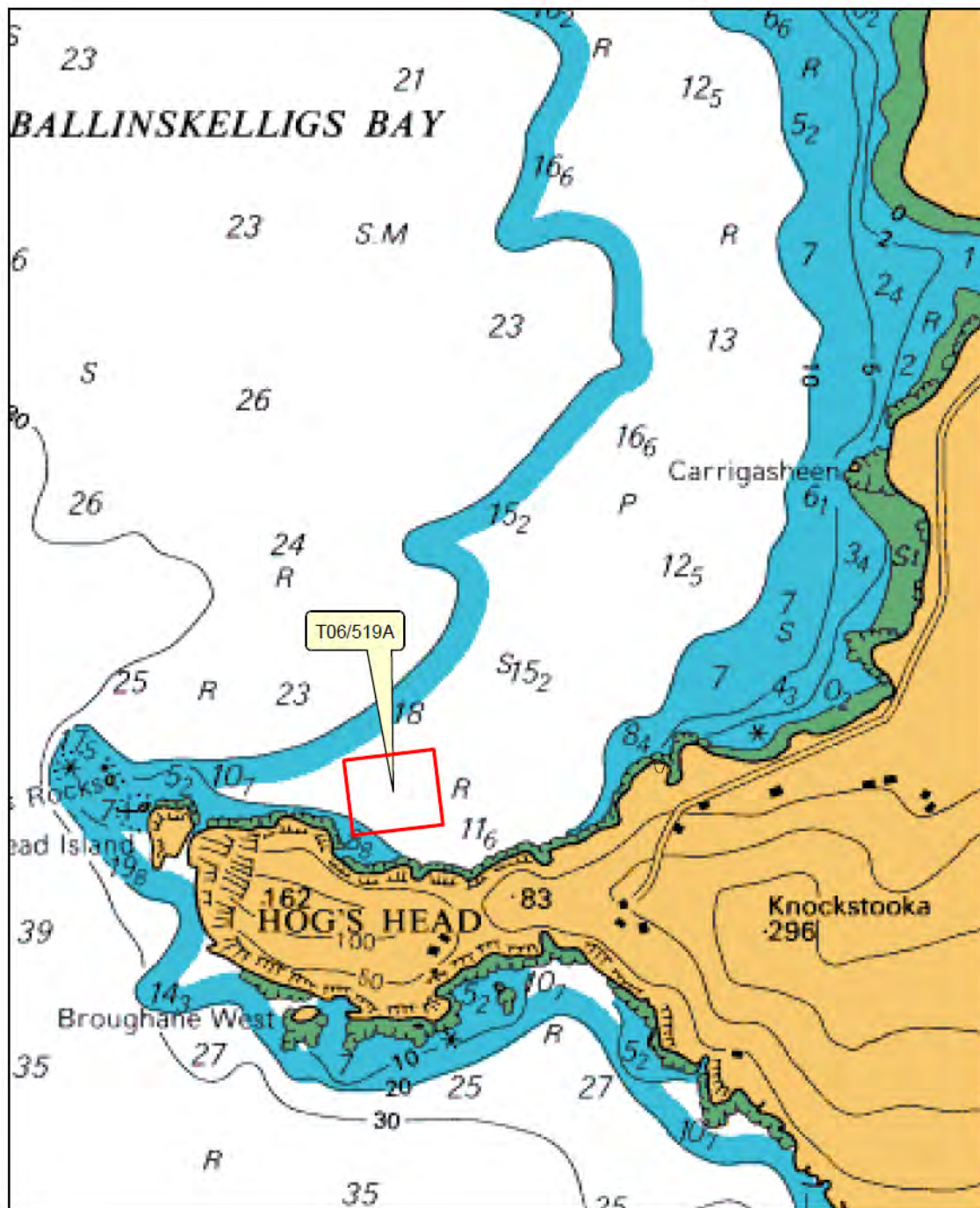
**Co-ordinates & Area**

**Site T06/519A (14.6984 Ha)**

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

047202, 061438 to Irish National Grid Reference point  
047618, 061494 to Irish National Grid Reference point  
047665, 061147 to Irish National Grid Reference point  
047249, 061091 to the first mentioned point.

DRAFT



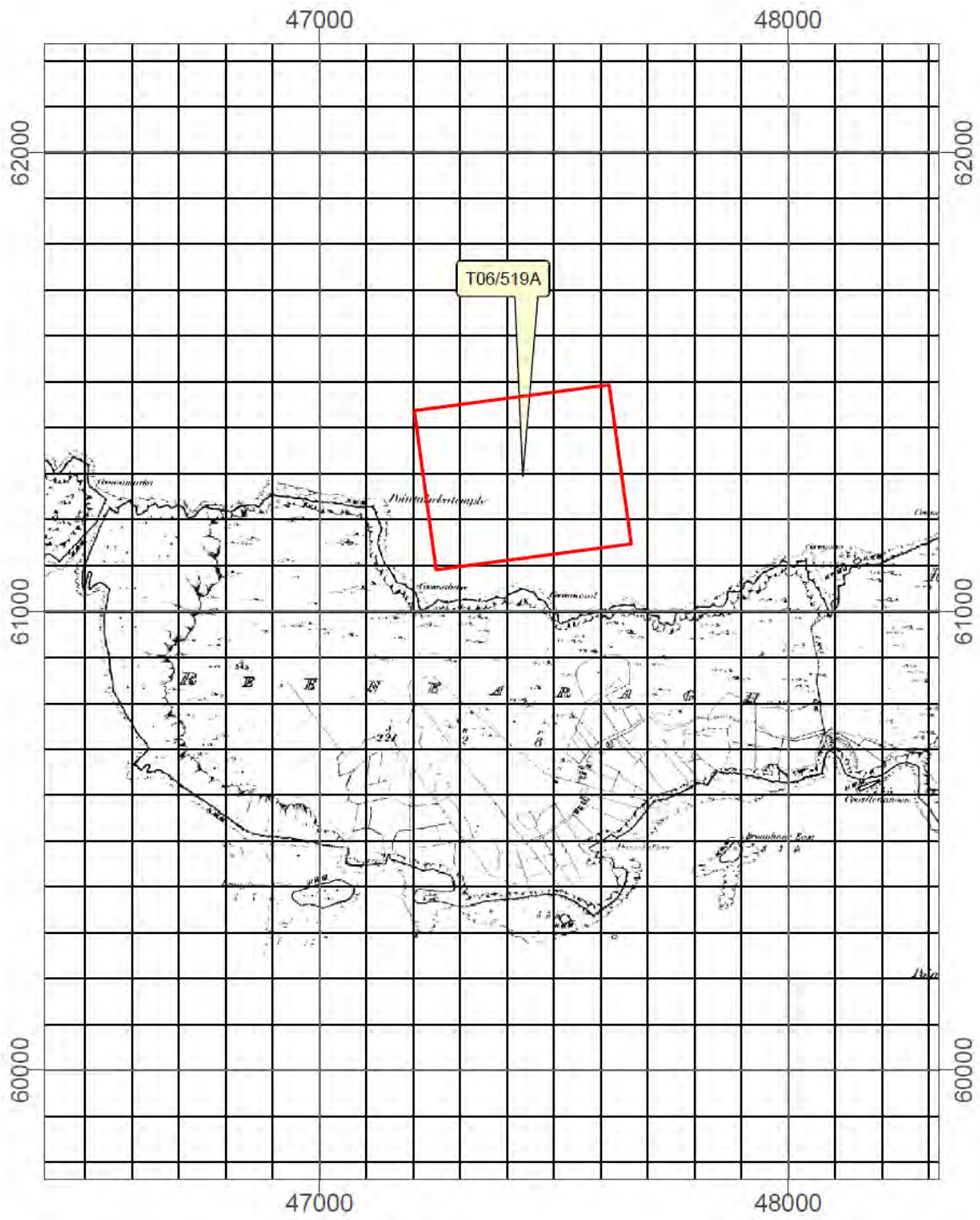
1:24,000

Aqua Culture Sites  
 Site\_Status  
 Application  
 Licensed

Sites highlighted in red denotes Application  
 Part of Admiralty Chart No =2495-0  
 Not to be used for Navigation



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



Aqua Culture Sites  
 <all other values>  
**Site\_Status**  
 Application  
 Licensed  
 100 Meter Reference Grid

1:10,560

Sites highlighted in red denotes Application

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



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



**T06/519A**

**AQUACULTURE LICENCE**

**AQUACULTURE MARINE AQUATIC  
PLANTS/FISH FOOD LONGLINES**

**Michael J. O'Driscoll and Laura O'Donovan,  
T/A Ballinskelligs Sea Farms,  
Reen,  
Ballinskelligs,  
Co. Kerry**

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**AQUACULTURE LICENCE NO. XXXX**

**GRANTED UNDER THE FISHERIES (AMENDMENT) ACT 1997 (No. 23 of 1997)**

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

**Michael J. O’Driscoll and Laura O’Donovan,  
T/A Ballinskelligs Sea Farms  
Reen,  
Ballinskelligs,  
Co. Kerry**

(hereinafter referred to as the “Licensee”) for the cultivation of native red and brown seaweeds on a site in Ballinskelligs Bay, Co. Kerry, as specified in Schedule 1 attached (numbered T06/519A) and indicated by a red line on the attached map in accordance with the plans and drawing(s) in Schedule 2 attached as approved of by the Minister, subject to the Act and Regulations made under the Act and to the terms and conditions set out in the attached pages.

This Aquaculture Licence shall remain in force for a maximum period of ten (10) years commencing on XX XXXXXXXXXXXX 20XX, provided for so long as the Foreshore Licence granted on XX XXXXXXXXXXXX 20XX, under section 3(1) of the Foreshore Act 1933 (No. 12 of 1933) in respect of the same site for the purpose referred to is in force.

---

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

## TERMS AND CONDITIONS APPLYING TO THIS AQUACULTURE LICENCE

### 1. Licensed Area

- 1.1. The area specified in *Schedule 1* attached (14.698 hectares) (labelled T06/519A) and outlined in red on the map(s) in *Schedule 1*.
- 1.2. The co-ordinates for the site are based on the Irish National Grid Co-ordinate System.

### 2. Species, Cultivation and Method Licensed

- 2.1. Species to be farmed: *Alaria esculenta*, *Laminaria digitata*, *Palmaria palmata*, *Porphyra spp.*, *Fucus vesiculosus*, *Saccharina latissimi*, *Laminaria hyperborean*, *Ascophyllum nodosum*, *Ulva lactuca* and *Himantalia elongata*
- 2.2. Method: ropelines and nets subject to the seeding/plant and/or deployment limits as may be specified in *Schedule 4* attached.

### 3. Infrastructure and Site Management

#### Indemnity

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

#### Design, Arrangement and Maintenance of Structures

- 3.3. The Licensee shall ensure that the equipment (including all flotation, mooring and anchoring devices) is placed within the licensed area only. Storage or placement of equipment or plants on the foreshore or seashore outside the licensed area is not permitted under any circumstances.
- 3.4. The Minister may direct as to the deployment of apparatus, including number or orientation of longlines and flotation devices and their colour, within the site.
- 3.5. The Licensee shall obtain the prior approval of the Minister to any proposed material change to the plan/drawings or equipment as approved being used during the licensing period as specified in *Schedule 2* attached.
- 3.6. The Licensee shall at all times for the duration of the licence keep all equipment used for the purposes of the licensed operations in a good and proper state of repair and condition to the satisfaction of the Minister or other competent State authority.



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

#### Operational Conduct

- 3.8. The Licensee shall conduct its operations in a safe manner and with regard for other persons in the area and the environment and shall ensure that the operations are not injurious to adjacent lands or the public interest (including the environment) and do not interfere with navigation or other lawful activity in the vicinity of the licensed area, and shall comply with any lawful directions issued by the Minister and any other competent State authority in that regard.
- 3.9. The Licensee shall ensure that any aquaculture or other activity conducted under this licence does not adversely affect the integrity of the Natura 2000 network (if applicable) through the deterioration of natural habitats and the habitats of species and/or through disturbance of the species for which the area has been designated in so far as such a disturbance may be significant in relation to the stated conservation objectives of the site concerned.
- 3.10. The Licensee shall ensure that best practice is employed to keep structures and netting clean at all times and any biofouling by alien invasive species shall be removed and disposed of in a responsible manner. In particular, in 'Natura 2000' sites care must be taken to ensure that any biofouling by alien invasive species will not pose a risk to the conservation features of the site. Measures to be undertaken are set out in the draft Marine Code of Practice prepared by Invasive Species Ireland and can be found on the web site at: <http://invasivespeciesireland.com/>.

#### Waste Management

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

#### Inspection

- 3.12. The licensed area and any equipment, structure, thing, or premises wherever situated used in connection with operations carried out in the licensed area shall be open for inspection at any time by an authorised person (within the meaning of section 292 of the Fisheries (Consolidation) Act 1959) (No. 14 of 1959) (as amended by the Fisheries Act 1980) (No. 1 of 1980), a Sea Fisheries Protection Officer (within the meaning of the Sea Fisheries and Maritime Jurisdiction Act 2006) (No. 8 of 2006) or any other person appointed in that regard by the Minister or other competent State authority.

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

#### 4. Navigation and Safety

- 4.1. The Licensee shall ensure that statutory sanction from the Commissioners of Irish Lights is in place prior to the commencement of operations, regarding all aids to navigation. Statutory Sanction forms are available at <http://www.cil.ie/safety-navigation/statutory-sanction.aspx>.
- 4.2. The Licensee shall ensure that the site is marked in accordance with the requirements of both the Marine Survey Office and the Commissioners of Irish Lights as specified in *Schedule 3*.  
The navigation marking detail is also illustrated in *Schedule 3*.
- 4.3. The Licensee shall comply with any specification requirement relating to navigational aids, flotation and mooring devices supporting/markings posts/poles, as required by the Minister or any other competent State authority.
- 4.4. The Minister's determination in respect of this licence is conditional upon immediate full compliance by the Licensee in respect of all requirements and conditions which are imposed under the relevant legal provisions applicable to the Marine Survey Office.
- 4.5. Prior to commencement of operation the Licensee shall inform the UK Hydrographic Office at Taunton, of the location and nature of the site in order that charts and nautical publications can be updated. Tel: 00 44 1823337900 Fax: 00 44 1823 284077 Email [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk) and the Licensee shall submit proof to the Department within 14 days of the date of this licence that the UK Hydrographic Office has been so informed.

5. **Monitoring**

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

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

Duration, Cessation

6.1. This Licence shall remain in force until XX XXXXXXXXXX, 20XX and as long as the accompanying Foreshore Licence remains in force.

Review

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

Revocation, Amendment

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

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

Assignment

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

6.5. A Licensee, who considers that there are exceptional reasons for the assignment of the Licence during the first three years, may apply to the Minister, giving those reasons, for a determination that the Licence may be assigned. The Minister may, at his discretion, having considered the reasons given by the Licensee, determine whether or not the Licence may be assigned. The determination of the Minister in this regard is final.

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

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

7. **Fees**

- 7.1. The Licensee shall pay to the Minister an annual aquaculture licence fee in accordance with the Aquaculture (Licence Application and Licence Fees) (No. 2) Regulations 1998 (S.I. No. 324/1998) as amended by the Aquaculture (Licence Fees) Regulations 2000 (S.I. No. 282 of 2000) or an amount payable under Regulations made under section 64 of the Act.
- 7.2. The Minister may revoke the licence where the Licensee fails to pay the aquaculture licence fees on demand.

## **8. General Terms and Conditions**

- 8.1. The Licensee shall at all times comply with all laws and protocols applicable to aquaculture operations.
- 8.2. Any reference to a statute or an act of an institution of the European Union (whether specifically named or not) includes any amendments or re-enactments in force and all statutory instruments, orders, notices, regulations, directions, bye-laws, certificates, permissions and plans made, issued or given effect under such legislation shall remain valid.
- 8.3. If any condition or part of a condition in this licence is held to be illegal or unenforceable in whole or in part, such condition shall be deemed not to form part of this licence but the enforceability of the remainder of this licence is not affected.
- 8.4. The Licensee shall at all times hold all necessary licences, consents, permissions, permits or authorisations associated with any activities of the Licensee in connection with the licensed area.

### Notification

- 8.5. Without prejudice to any other remedy under the licence or in law, if the Minister is of the view that the Licensee is in breach of any obligation under this licence, the Minister may, by notice in writing, require that the Licensee rectifies such breach, within such time as is specified by the Minister. The Licensee shall comply with any direction of the Minister within the time specified in the notice.
- 8.6. Any notice to be given by the Minister may be transmitted through the Post Office addressed to the Licensee at the last known address of the Licensee.
- 8.7. The Licensee shall notify the Minister within 7 days of any change in the Licensee's address, telephone, e-mail or facsimile number.

### Tax Clearance Certificate

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

### Companies and Co-operatives

- 8.9. In the event of the licence being granted to a company (within the meaning of the Companies Acts), control of the licensee company shall not change in any respect from the control of the company as existed on the date that the licence was granted

so long as this licence shall remain in force save with the prior written permission of the Minister.

- 8.10. In the event of a licence being granted to a company that has been incorporated outside this State, the licensee company shall register with the Companies Registration Office within one month of the establishment of a place of business in the State or alternatively, within one month of the establishment of a branch of the said company in the State and the licensee company shall submit proof to the Department within 14 days of the end of that month that it has been so registered.
- 8.11. Where the licensee is a Company within the meaning of the Companies Acts, the licensee company shall ensure that it does not become dissolved within the meaning of the Companies Acts for so long as this licence shall remain in force.
- 8.12. In the event of the licence being granted to a society (within the meaning of section 2 of the Industrial and Provident Societies (Amendment) Act 1978 (No.23 of 1978) the following conditions shall apply:-
  - 8.12.1. The rules relating to membership of the society shall enable any resident of the State to become a member of it where the resident fulfils all the conditions laid down by the society for membership of it and the rules shall not lay down different conditions for different classes of people;
  - 8.12.2. The rules relating to the society as submitted to the Minister before the grant of this licence shall not be amended subsequently other than with the written permission of the Minister; and
  - 8.12.3. The Minister may, if he considers it necessary in the interests of good management of the licensed area, direct that an amendment may be made to the rules of the society and the Licensee shall amend the rules in accordance with that direction.

#### Clearance of Site

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

## **SCHEDULE 1**

**Schedule 1 contains:**

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

**DRAFT**

**1 NO. SITE AT BALLINSKELLIGS BAY**  
**CO.KERRY**

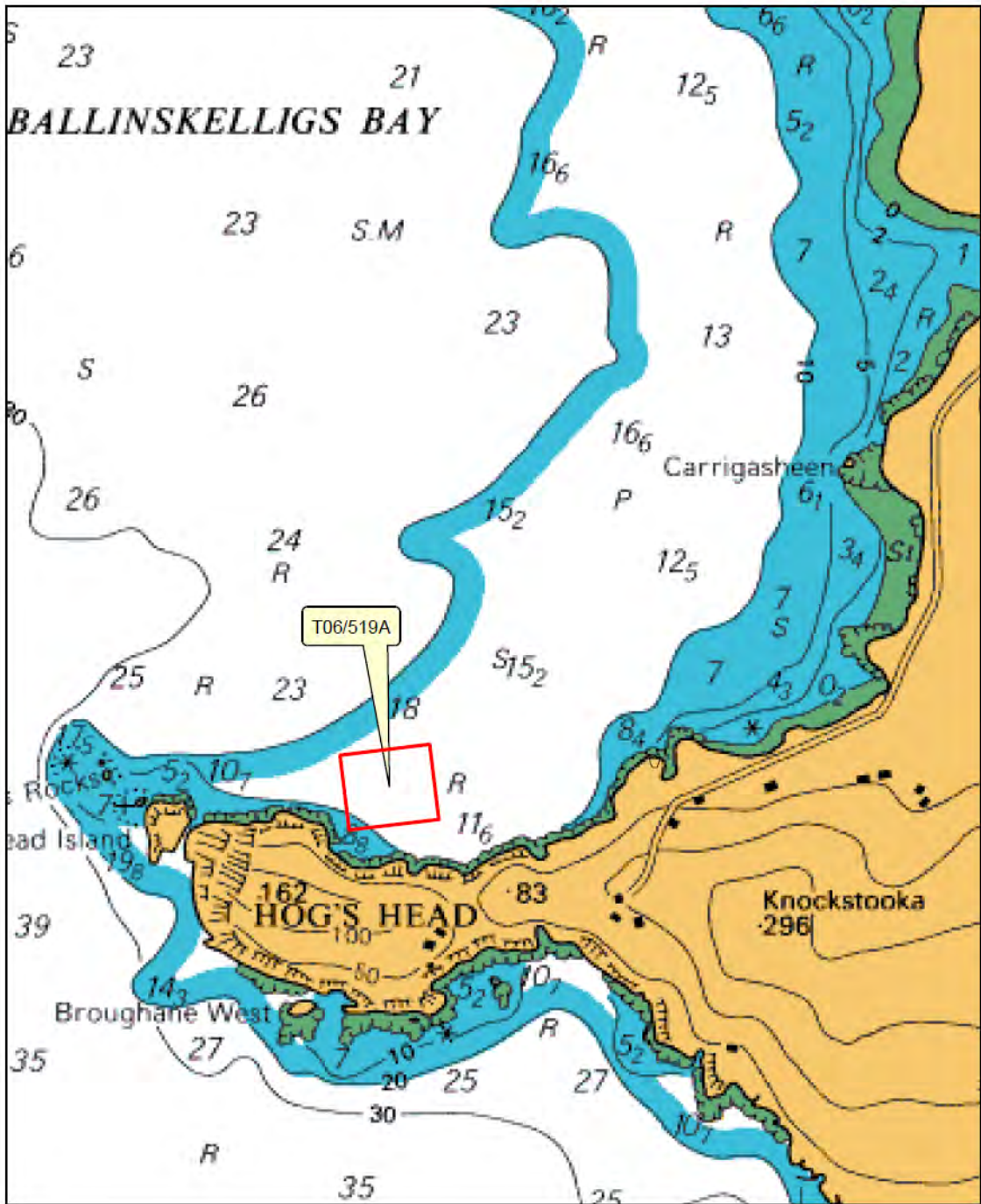
**Co-ordinates & Area**

**Site T06/519A (14.6984 Ha)**

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

047202, 061438 to Irish National Grid Reference point  
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DRAFT



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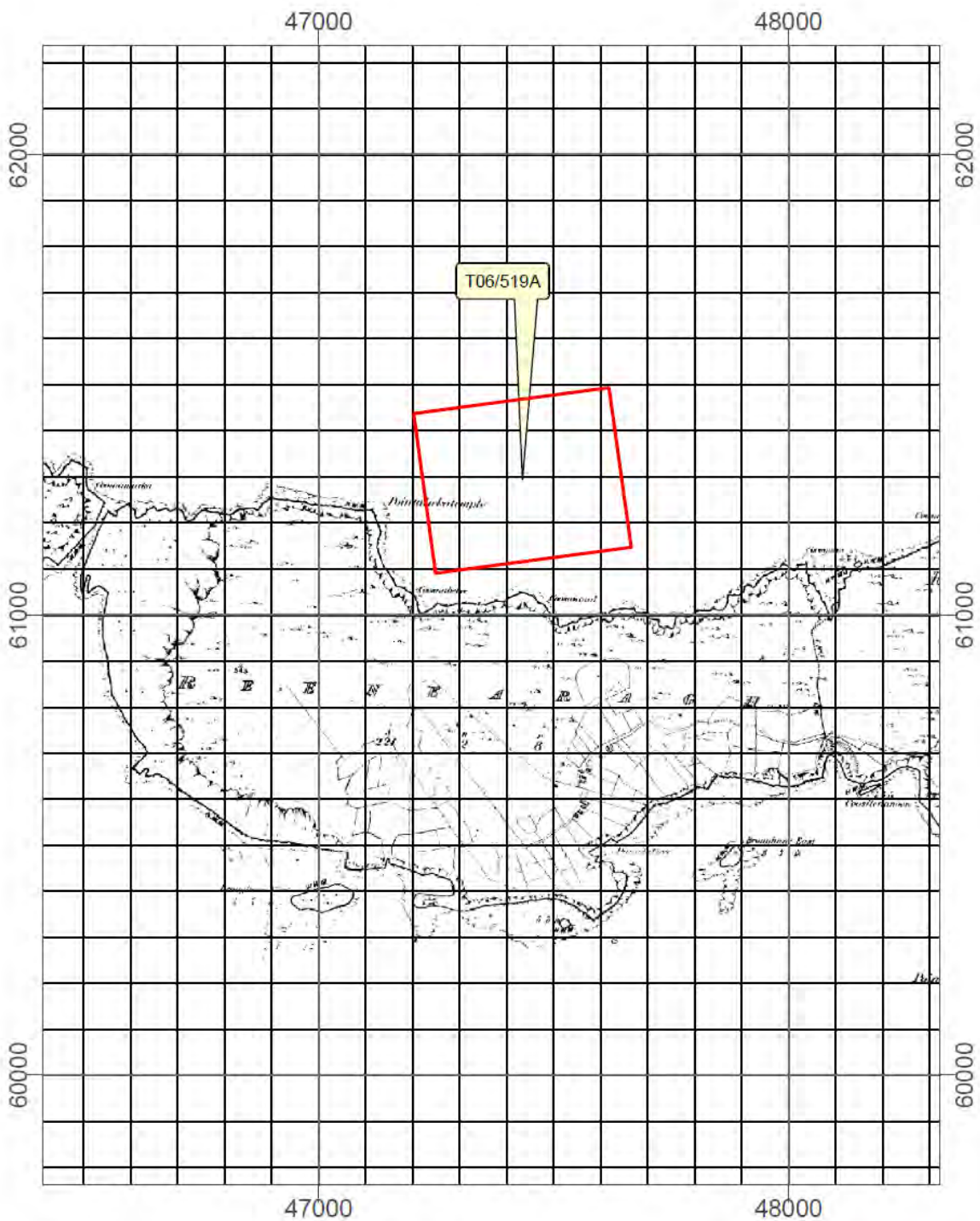
Aqua Culture Sites  
 <all other values>  
 Site\_Status  
 Application  
 Licensed

Sites highlighted in red denotes Application  
 Part of Admiralty Chart No =2495-0  
 Not to be used for Navigation



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





Aqua Culture Sites  
 <all other values>  
**Site\_Status**  
 Application  
 Licensed  
 100 Meter Reference Grid

1:10,560

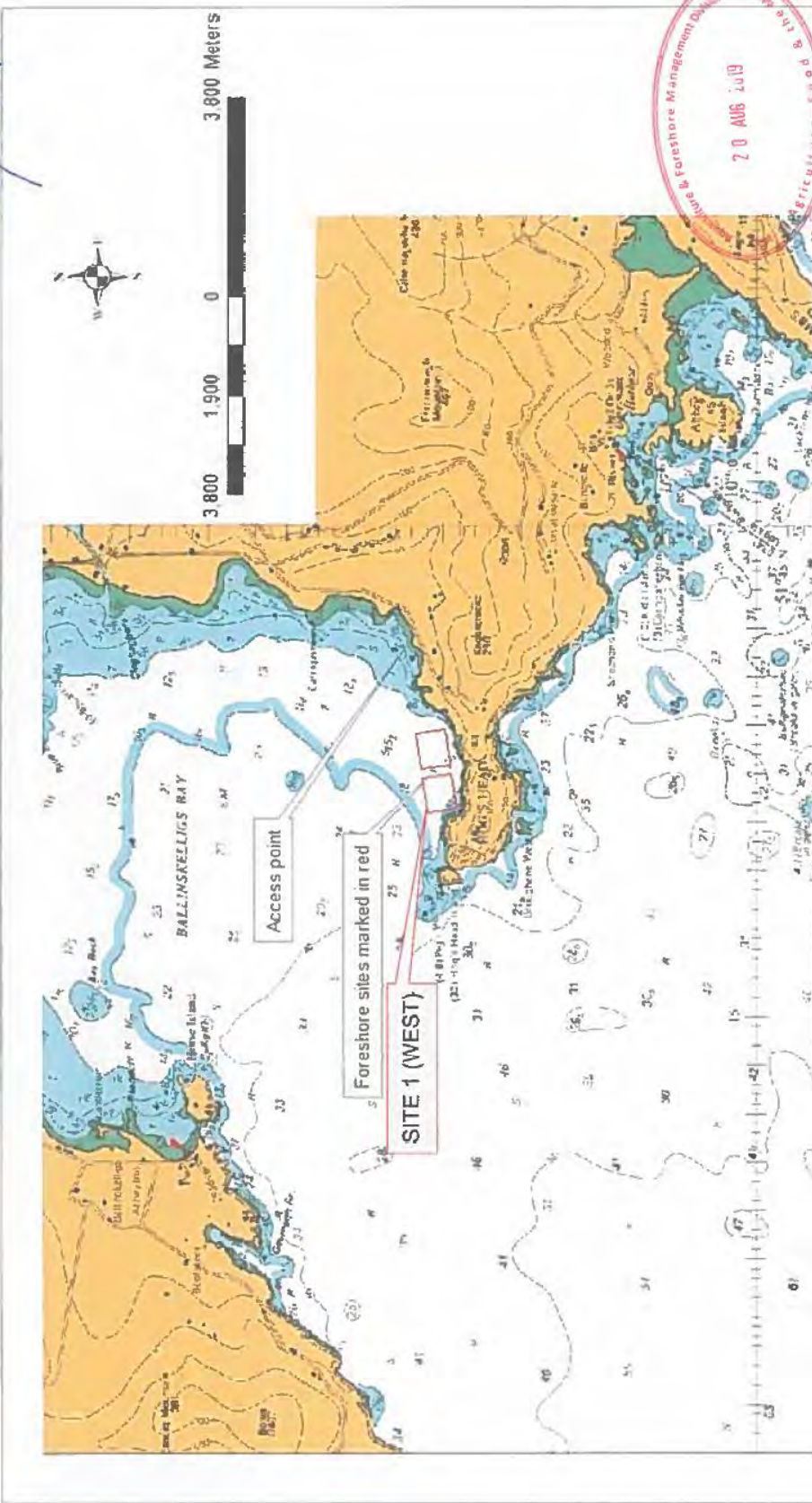
Sites highlighted in red denotes Application

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

T06/519.



<b>ADMIRALTY CHART</b> Scale 1:100,000		<b>OS License:</b> OS License EN 0073314 Admiralty Chart License Chart provided by client Admiralty Chart License no: 16676 Q		<b>PROJECT:</b> Aquaculture Licence Application Seaweed Farm, Site 1 (West), Rinmeen, Waterville, Co. Kerry		<b>App No:</b> T05/____ <b>Scale:</b> 1:100,000 @ A4 <b>Rev</b>	
<b>License Area:</b> License Area 14.75 hectares <b>ING Co-ordinates</b> A: 47202 E, 61438 N B: 47618 E, 61494 N C: 47865 E, 61147 N D: 47249 E, 61091 N		<b>CLIENT:</b> O'Donovan - O'Driscoll (Ballinskelligs Sea Farms)		<b>Date:</b> July 2019		<b>Drg No:</b> T05/____-01 <b>Rev</b> 0	
<b>Notes:</b> 1. All dimensions are in metres unless noted otherwise 2. All levels are in metres related to Ordnance Datum Mean. 3. Co-ordinates to Irish National Grid. 4. Application Site outlined in RED		<b>TITLE:</b> Admiralty Chart				<b>Mark Gallagher Architect</b> MRIAL Dip Eng BA BArch Eyeries, Beara, Co. Cork +353. 86. 0858593	

T06/519.



Foreshore marked in red  
Total size 14.7 hectares  
420m x 350m

ING Coords	
Easting	Northing
47202	61438
47618	61434
47665	61147
47249	61091

**ORDNANCE SURVEY MAP**  
Scale 1 : 25,000

<p>OS License: OS License EN 0073314 Admiralty Chart License Chart provided by client Admiralty Chart License no: 18976 C</p>	<p><b>PROJECT:</b> Agriculture License Application Seaweed Farm, Site 1 (Weal), Rinneen, Waterliffe, Co. Kerry</p>	<p>Appi No: <b>T05/19, F0055</b></p>
<p>License Area: License Area 14.75 hectares</p>	<p><b>CLIENT:</b> O'Donovan - O'Driscoll (Ballinakelligs Sea Farms)</p>	<p>Scale: 1:25,000 @A4</p>
<p>ING Co-ordinates A: 47202 E, 61438 N B: 47618 E, 61484 N C: 47665 E, 61147 N D: 47249 E, 61091 N</p>	<p><b>TITLE:</b> OS Map</p>	<p>Drq No: T05___02</p>
<p>Notes: 1. All dimensions are in metres unless noted otherwise 2. All levels are in metres related to Ordnance Datum 3. Co-ordinates to Irish National Grid. 4. Application Site outlined in RED</p>	<p>Mark Gallagher Architect MRIAL Dip Eng BA BArch Eyerles, Beara, Co. Cork +353 . 86 . 0858593</p>	<p>Date: July 2019</p>
<p>Rev 0</p>		



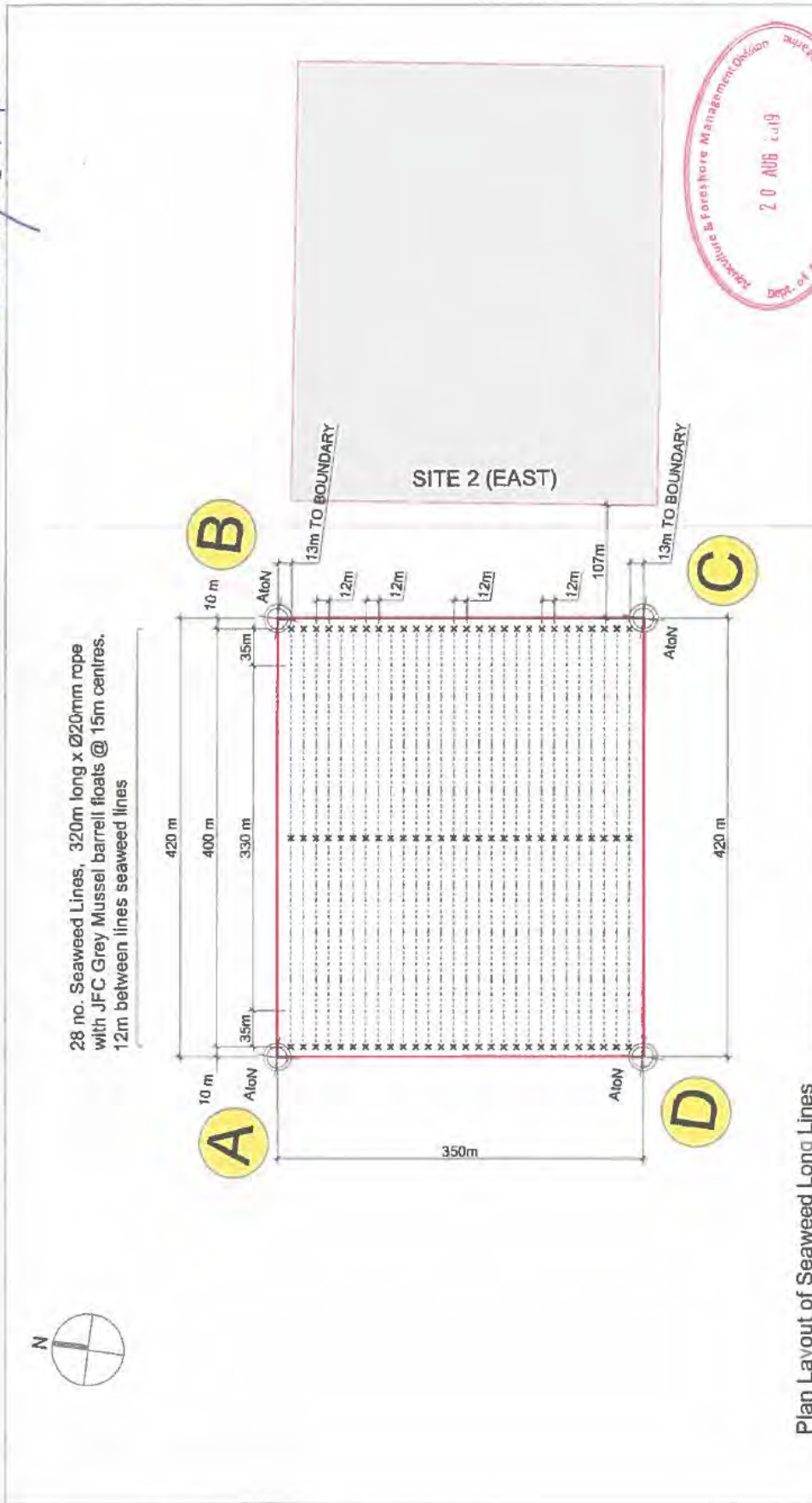
## **SCHEDULE 2**

**Schedule 2 contains:**

- the approved plans and drawing(s)

**DRAFT**

T06/519-



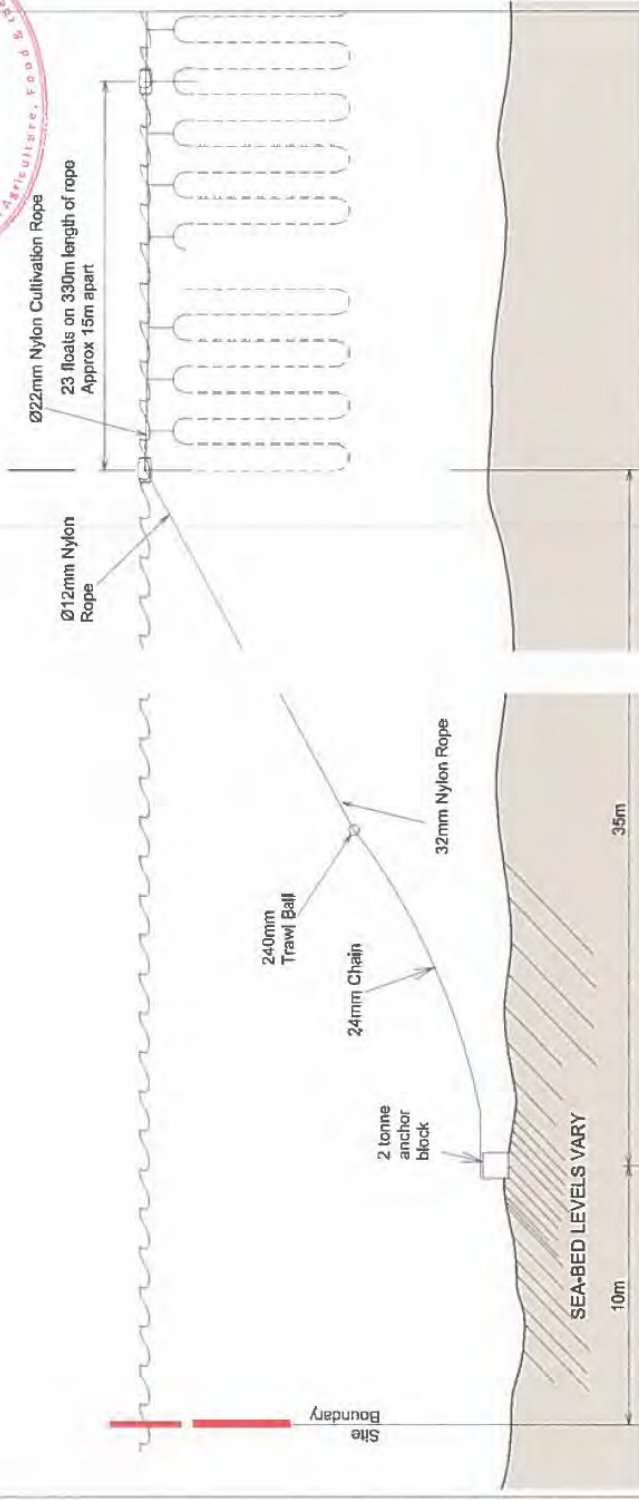
28 no. Seaweed Lines, 320m long x Ø20mm rope with JFC Grey Mussel barrel floats @ 15m centres. 12m between lines seaweed lines



Plan Layout of Seaweed Long Lines  
Scale 1:5000

OS License: OS License EN 0079314 Admiralty Chart License Chart provided by client Admiralty Chart License no: 16976 Q	PROJECT: Aquaculture Licence Application Seaweed Farm, Site 1 (West), Rinneen, Waterville, Co. Kerry	App No: T05/2019	Rev T05/03 0
License Area: License Area 14.75 hectares ING Co-ordinates: A: 47202 E, 61438 N B: 47618 E, 61494 N C: 47665 E, 61147 N D: 47249 E, 61081 N	CLIENT: O'Donovan - O'Driscoll (Ballinskelligs Sea Farms)	Scale: 1:5000 @ A4	Date: July 2019
Notes: 1. All dimensions are in metres unless noted otherwise 2. All levels are in metres related to Ordnance Datum MeIn. 3. Co-ordinates to Irish National Grid. 4. Application Site outlined in RED		TITLE: Site Layout Plan	
		Mark Gallagher Architect MRIA Dip Eng BA BArch Eyeries, Beara, Co. Cork +353 . 86 . 0858593	

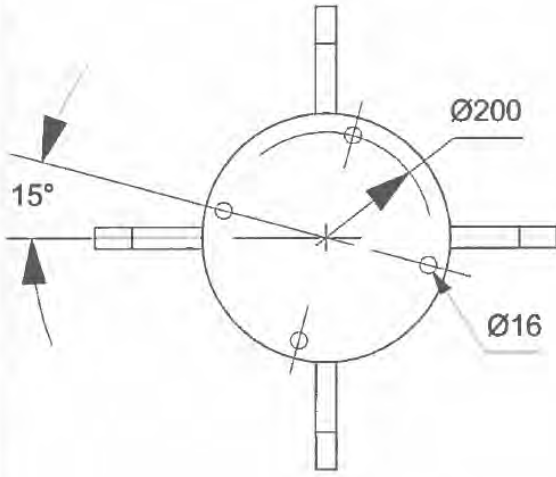
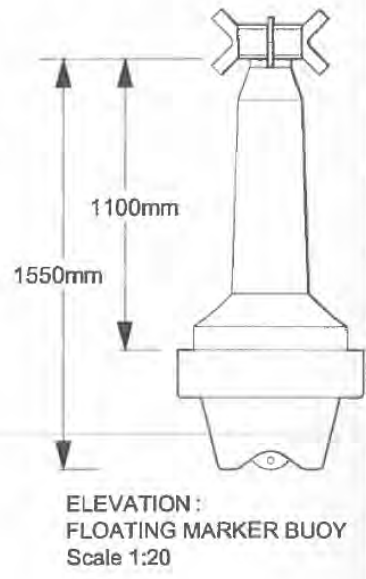
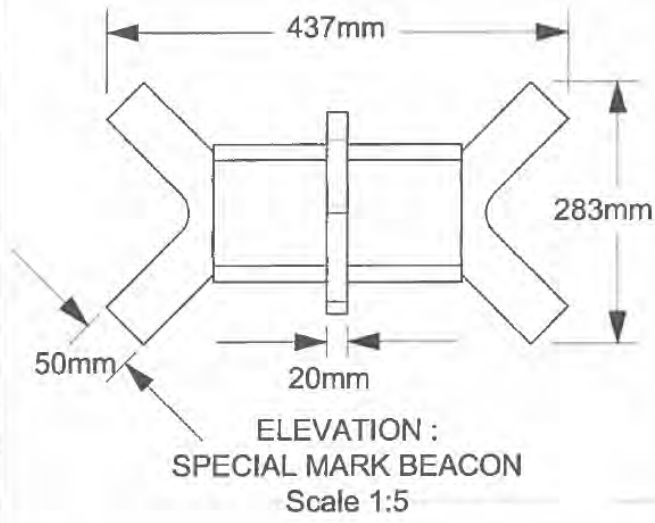
T06/519



Detail of Seaweed Long Lines  
Scale 1:200


OS License: EN 0079314 Aerially Chart License Chart provided by client Aerially Chart License no: 16876 Q	PROJECT: Aquaculture Licence Application Seaweed Farm, Site 1 (West), Rinmeen, Waterville, Co Kerry	Appli No: T05/
License Area: License Area: 14.75 hectares ING Co-ordinates A: 47202 E, 61438 N B: 47618 E, 61482 N C: 47685 E, 61147 N D: 47249 E, 61051 N	CLIENT: O'Donovan - O'Driscoll (Ballinekilgls Sea Farms)	Scale: 1:200 @ A4
Notes: 1. All dimensions are in metres unless noted otherwise 2. All levels are in metres related to Ordnance Datum Mean 3. Co-ordinates to Irish National Grid. 4. Application Site outlined in RED	TITLE: Seaweed Line Detail	Date: July 2019
		Rev 0
		Drng No: T06/468-03
		Mark Gallagher Architect MRIAI Dip Eng BA BArch Everies, Beara, Co. Cork +353 . 86 . 0858593

T06/519



- Floating Marker Buoy Specification**
- Total Height 1550mm
  - Total Weight 65kg
  - Diameter 600mm
  - Volume 189 litres
  - Focal View 1100mm
  - Mooring Ring Diameter 25mm
  - Mooring block & line suitable for location



OS License: OS License EN 0079314 Admiralty Chart License Chart provided by client Admiralty Chart License no: 16976 Q  License Area: License Area 14.75 hectares  ING Co-ordinates A: 47202 E, 61438 N B: 47618 E, 61494 N C: 47685 E, 61147 N D: 47249 E, 61091 N	<b>PROJECT:</b> Aquaculture Licence Application Seaweed Farm, Site 1 (West), Rinnean, Waterville, Co.Kerry	<b>Appl No:</b> T05/
	<b>CLIENT:</b> O'Donovan - O'Driscoll (Ballinskelligs Sea Farms)	<b>Scale:</b> (as stated)
<b>Notes:</b> 1. All dimensions are in metres unless noted otherwise 2. All levels are in metres related to Ordnance Datum Malin. 3. Co-ordinates to Irish National Grid. 4. Application Site outlined in RED	<b>TITLE:</b> Special Marker Beacon Detail	<b>Date:</b> July 2019
		<b>Rev</b> 0
		 <b>Mark Gallagher Architect</b> MRIAI Dip Eng BA BArch Eyeries, Beara, Co. Cork +353 . 86 . 0858593

## **SCHEDULE 3**

**Schedule 3 contains:**

### **Requirements of the MSO**

- **all mooring equipment should be adequate to withstand weather conditions in this area.**
- **In order for charts and nautical publications to be updated the British Admiralty Hydrographic Office at Taunton , UK, is to be informed of the location and nature of the site.**
- **The applicant is required to apply to the Commissioners of Irish Lights for sanction to establish the following lights and marks:**
- **A yellow special mark buoy with light is to be located at each of the four corners of the site.**

### **Requirements of CIL**

- **That the applicant secures a Statutory Sanction from the Commissioners of Irish Lights for the aids to navigation that may be required by the Marine Survey Office. These aids should be in place before development on the site commences.**
- **The size and specification of aids should be of the design and specification approved by the Marine Survey Office and must be agreed in advance with the Commissioners of Irish Lights.**

**DRAFT**



## **SCHEDULE 4**

**Schedule 4 contains conditions specific to this licence:**

- A maximum of 28 seaweed lines will be permitted within the site.
- Each seaweed line will be no longer than 330m.
- Flootation buoys must be battleship grey in colour.
- the initial source of plantlets / seeded strings for seaweeds, and other sources which may be used at any point in the future, should be approved by the Minister. This approval should be a specific condition of any licence that may issue.
- Prior to the commencement of operations at this site, the Licensee is required to draw up a Contingency Plan, for the approval of DAFM, which shall identify methods for the removal from the environment of any invasive non-native species introduced as a result of operations at this site. If such an event occurs, the Contingency Plan shall be implemented immediately.
- Site access point to be strictly adhered to.

**DRAFT**

# Submission AGR 00151-21: Recommendation to Refuse Aquaculture/Foreshore Licences for 1 site (T06/519)

TO: Minister  
STATUS: Cancelled  
PURPOSE: For Decision  
DIVISION: Coastal Zone Management  
DECISION BY:

AUTHOR: OConnell, James  
OWNER: OConnell, James  
REVIEWERS: Horan, Helena

## Action required

Ministerial Determination on Aquaculture/Foreshore Licensing Application (T06/519A)

## Executive summary

The Minister's determination is requested please in relation to an application for an Aquaculture Licence from Michael J O' Driscoll and Laura O'Donovan, T/A Ballinskelligs Sea Farms, Reen, Ballinskelligs, Killarney, Co. Kerry. The application is for the cultivation of native red and brown seaweeds including *Alaria esculenta*, *Laminaria digitata*, *Palmaria palmata*, *Porphyra spp.*, *Fucus vesiculosus*, *Saccharina latissimi*, *Laminaria hyperborean*, *Ascophyllum nodosum*, *Ulva lactuca* and *Himanthalia elongata* using ropelines and nets on Site T06/519A, a 14.698 hectare site on the foreshore in Ballinskelligs Bay, Co. Kerry.

There is also a submission in respect of this application for a Foreshore Licence, for the Minister's consideration.

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

## Detailed information

### **Recommendation to refuse to grant an Aquaculture Licence for one site (ref: T06/519A)**

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

## DECISION SOUGHT

The Minister's determination is requested please in relation to an application for an Aquaculture Licence from Michael J O' Driscoll and Laura O'Donovan, T/A Ballinskelligs Sea Farms, Reen, Ballinskelligs, Killarney, Co. Kerry for a site numbered T06/519A at Ballinskelligs Bay, Co. Kerry.

A submission in respect of the application for a Foreshore Licence is also set out below, for the Minister's consideration. It is recommended that the Minister determines that the application for Aquaculture and Foreshore Licences **be refused** for the reasons set out below.

## BACKGROUND

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

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

## APPLICATION FOR AN AQUACULTURE LICENCE

An application for an Aquaculture Licence has been received from the applicant referred to above (in conjunction with an application for a Foreshore Licence) for the cultivation of the cultivation of native red and brown seaweeds including *Alaria esculenta*, *Laminaria digitata*, *Palmaria palmata*, *Porphyra spp.*, *Fucus vesiculosus*, *Saccharina latissimi*, *Laminaria hyperborean*, *Ascophyllum nodosum*, *Ulva lactuca* and *Himanthalia elongata* using longlines in relation to one site - T06/519A, totalling 14.698 ha on the foreshore at Ballinskelligs Bay, Co. Kerry (see **Tab A**).

## LEGISLATION

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

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

## CONSULTATION AND PUBLIC COMMENT

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

### Technical Consultation

Observations/Comments were made by Technical Advisers as follows (see **Tab B**):

Marine Engineering Division (MED): MED have no objection to the licensing of this site. The application is for aquaculture for the cultivation of seaweed using the standard rope and net cultivation method recommended in BIM Seaweed Growing Manual in Ballinskellig Bay. MED stated that the site will be accessed by boat from a nearby slipway. The site is overlooked by the N70 Wild Atlantic Way / Ring of Kerry and the Kerry Way. However, as the site is over 3km from the N70 the views of the seaweed lines and navigation markers will be obscured and limited.

### Statutory Consultation

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

Observations/Comments were made by Statutory Consultees as follows (see **Tab C**):

Marine Institute (MI): The MI has no objection to the licence being granted. They are of the view that given the location, nature and scale of the aquaculture activity, there will be no significant impacts on the marine environment and the quality status of the area will not be adversely affected.

They noted that the potential risk of pollution caused by cultivating seaweeds as proposed is minimal. No hazardous or toxic chemicals are used in the production process. Like all other plants, seaweeds require sunlight and inorganic nutrients (Nitrogen and Phosphorous) for growth.

The MI also noted that site T06/519A is not located within a designated Natura 2000 site and, as set out in the AA Screening Report for Ballinskelligs Bay the Marine Institute is of the view that significant impacts on any features of adjacent Natura 2000 sites are not likely.

The MI made the following recommendations:

MI recommends that the initial source of plantlets / seeded strings for seaweeds, and other sources which may be used at any point in the future, should be approved by the Minister. This approval should be a specific condition of any licence that may issue.

Prior to the commencement of operations at this site, the Licensee is required to draw up a Contingency Plan, for the approval of DAFM, which shall identify methods for the removal from the environment of any invasive non-native species introduced as a result

of operations at this site. If such an event occurs, the Contingency Plan shall be implemented immediately.

These issues can be dealt with by way of licence condition to this effect.

Commissioners of Irish Lights (CIL): CIL have no objection to the development of this site provided no navigable intertidal channels are impeded.

Marine Survey Office (MSO): The MSO have no objection to this application from a navigational viewpoint. However they stated the proposed site is in an exposed bay and all mooring equipment should be adequate to withstand weather conditions in this area. A yellow special mark buoy with light is to be located at each of the four corners of the site.

Sea Fisheries Protection Authority (SFPA): The SFPA stated that the issuing of an Aquaculture and Foreshore licence in the area identified as T06/519 for the cultivation of seaweed would have **a negative impact** on local inshore sea fishing operations. Local sea fishing operations in this area primarily involve potting for lobster and crab. This area is an important fishing ground for a number of inshore fishing vessels during the summer months, particularly between Outer Hogs Head and Rineen Point. The size of the proposed site (14.698ha) would adversely affect their ability to deploy their fishing gear in this area where they have operated for many years. Furthermore, the fishermen often move their fishing gear (>300 pots) to this location in storms/heavy swells as it provides a greater degree of shelter than other areas of Ballinskelligs Bay.

Inland Fisheries Ireland (IFI): IFI provided observations, but these were received outside the timeframe for statutory consultation, and as a result, cannot be taken into consideration.

Bord Iascaigh Mhara (BIM): BIM provided observations, they are satisfied that the proposed operations do not conflict with any other aquaculture or inshore fisheries interests in the area.

They have no objection to these applications.

Irish Water: Irish Water indicated the existence of primary and secondary discharges operated by Irish Water within 10km of the proposed development. The Department's Engineering Division was consulted on this matter. MED stated the site is also in an open bay suitably distant (approx. 5.5km) from Irish Water discharge points so there should be no conflict with the discharge points.

Kerry County Council: No comments were received on this application.

Fáilte Ireland: No comments received.

## **Public Consultation**

The application was publicly advertised using a composite public notice covering both aquaculture and foreshore elements in 'The Kerryman' on 12<sup>th</sup> August, 2020. The application and supporting documentation were available for inspection at Killarney and Cahersiveen Garda Stations for a period of 30 days from the date of publication of the notice in the newspaper.

There were **no** objections received from the public consultation process.

## **Response to Statutory and Public Consultation**

The applicant made the following response to the submissions received during the consultation period.

In response to the MSO comments the applicants through their representative stated their intention to utilise appropriate mooring equipment that meet all legislative and industry specifications.

In response to the SFPA observations the applicants through their representative made the following points:

Suitable locations for the sites were decided in conjunction with consultation with local fishermen, the local community and various interest groups.

The applicants note there were no objections to the applications during the public consultation period.

The applicants note that the 100 hectare area specified by the SFPA between Outer Hogs Head and Rineen Point was carefully

assessed so that the 29.4 hectare area that the sites encompassed avoided the 70 most productive hectares from an inshore fishing perspective. This was done in consultation with local fishermen,

The sites have been positioned to avoid the main lobster/crab fishing grounds and to provide maximum ease of access for inshore vessels and other users, again in consultation with local fishermen.

Lobster and crab migrate from the deeper water of the sites to the shallower non occupied areas nearer the shoreline in summer, the main period fishery activity of this type occurs.

Seaweed farms by their nature provide sanctuary for small shellfish and have the potential to enhance local ecosystems.

Seaweed farms improve the water quality of the area by removing nitrates and phosphates from the water which can have a positive effect on shellfish productivity.

The applicants note that the SFPA statement regarding the area being used for the storage of pots in bad weather seems unusual given it is a summer fishery and the small probability of large storms at this time. Given that 8.5% of the area would be used for the proposed farms the remainder can more than accommodate the stored pots if required.

Pictures were provided of the area taken 19/02/2021 at heavy swell and south westerly storm conditions which showed no flotation markers. The applicants note their assumption that temporary storage would only occur for a few days over the fishing season. Given the alternative areas shown for storage by the applicants, they contest how this negatively impacts local industry save for a minor inconvenience.

The applicants question how an area to be used for storage according to the SFPA would have an economic impact equivalent or greater than that of the proposed seaweed farms. They state 4 full time and 6 part-time jobs would be created with minimal displacement to existing operators and other users of the bay. They also note how ancillary jobs would be created as a result of the farms.

The applicants note that the SFPA failed to provide information on mitigation measures for any possible impacts as requested by the Department.

The applicants note that the SFPA do not provide any negative scientific or legislative aspects to the application.

*Following receipt of this reply the Department requested the SFPAs views on the points made by the applicant. The SFPA in response stated they fully stand over the observations they already made in respect of these applications. In addition they provided a letter from the General Secretary of the National Inshore Fishermens Association stating their objection to the application.*

## **CRITERIA IN MAKING LICENSING DECISIONS**

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

a) the suitability of the place or waters;

*Scientific advice is to the effect that the waters are suitable for the cultivation of seaweeds.*

b) other beneficial uses of the waters concerned;

*Public access to recreational and other activities can be accommodated by this project. Aquaculture appropriately licensed can co-exist with leisure activities.*

c) the particular statutory status of the waters

(i) Natura 2000

*The proposed site is located in Ballinskelligs Bay, which is not a Natura 2000 area. However, it is adjacent to a number of Natura sites. An Appropriate Assessment Screening was carried out by our scientific advisors who considered that there will be no significant effects on the qualifying interests of the Natura sites. (See document at **TAB D**)*

(ii) Shellfish Waters

*Not applicable for seaweed.*

d) the likely effects on the economy of the area;

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

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

*No significant issues arose regarding wild fisheries. However, the SFPA stated that the issuing of an Aquaculture and Foreshore licence in the area identified as T06/519 for the cultivation of seaweed would have **a negative impact** on local inshore sea fishing operations.*

*The Department of Culture, Heritage and the Gaeltacht (DCHG) did not comment and, furthermore, this is not a Natura 2000 site.*

f) the effect on the environment generally

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

*g) DCHG raised no objection to the development from an underwater archaeological perspective.*

## RECOMMENDATION

It is recommended that the Minister:

**refuses** the granting of an Aquaculture Licence to Michael J O' Driscoll and Laura O'Donovan, T/A Ballinskelligs Sea Farms, Reen, Ballinskelligs, Killarney, Co. Kerry.

*The reasons for this decision are based on advice from statutory consultees to the effect that the proposed site is **not** suitable for the cultivation of seaweed as it would have **a negative impact** on local inshore sea fishing operations. Local sea fishing operations in this area primarily involve potting for lobster and crab. This area is an important fishing ground for a number of inshore fishing vessels during the summer months, particularly between outer Hogs Head and Rineen Point.*

*Furthermore, the fishermen often move their fishing gear (>300 pots) to this location in storms/heavy swells as it provides a greater degree of shelter than other areas of Ballinskelligs Bay.*

## REASONS FOR DECISION

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

### "Determination of Aquaculture/ Foreshore Licensing application –T06/519A

Michael J O' Driscoll and Laura O'Donovan, T/A Ballinskelligs Sea Farms, Reen, Ballinskelligs, Killarney, Co. Kerry have applied for authorisation to cultivate seaweeds using longlines on a 14.698 hectare site (T06/519A) on an area of foreshore in Ballinskelligs Bay, Co. Kerry.

*The Minister for Agriculture, Food and the Marine has determined that it is **not in the public interest** to grant an Aquaculture/Foreshore Licences for this site. In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with the statutory provisions. The following are the reasons and considerations for the Minister's determination to **refuse** the licences sought:*

- I. *that the proposed site is **not** suitable for the cultivation of seaweed as it would have **a negative impact** on local inshore sea fishing operations. Local sea fishing operations in this area primarily involve potting for lobster and crab. This area primarily involve potting for lobster and crab. This area is an important fishing ground for a number of inshore fishing vessels during the summer months, particularly between outer Hogs Head and Rineen Point.*
- II. *The location of the site is often used by fishermen to store their fishing gear in storms/heavy swells as it provides a greater degree of shelter than other areas of Ballinskelligs Bay.*

## **Recommendation to refuse a Foreshore Licence application (T06/519A)**

### **DECISION SOUGHT**

The Minister's determination is requested please in relation to the application for a Foreshore Licence from Michael J O' Driscoll and Laura O'Donovan, T/A Ballinskelligs Sea Farms, Reen, Ballinskelligs, Killarney, Co. Kerry for a site on the foreshore in Ballinskelligs Bay, Co. Kerry, in which it is proposed to conduct aquaculture.

### **BACKGROUND**

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

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

### **APPLICATION FOR A FORESHORE LICENCE**

An application (see documents at **TAB A**) for a Foreshore Licence has been received from the applicant referred to above (in conjunction with an Aquaculture Licence application), relating to the occupation of the foreshore associated with the Aquaculture Licence application which covers a 14.698 hectare site (numbered **T06/519A**)

### **LEGISLATION**

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

### **CONSULTATION AND PUBLIC COMMENT**

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

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

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

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

Marine Engineering Division (MED): have no objection to the licensing of this site. The application is for aquaculture for the

cultivation of seaweed using the standard rope and net cultivation method recommended in BIM Seaweed Growing Manual in Ballinskellig Bay. MED stated that the site will be accessed by boat from a nearby slipway. The site is overlooked by the N70 Wild Atlantic Way / Ring of Kerry and the Kerry Way. However, as the site is over 3km from the N70 the views of the seaweed lines and navigation markers will be obscured and limited.

### Public Consultation

The application was publicly advertised using a composite public notice covering both aquaculture and foreshore elements in 'The Kerryman' on 12<sup>th</sup> August, 2020. The application and supporting documentation were available for inspection at Killarney and Cahersiveen Garda Stations for a period of 30 days from the date of publication of the notice in the newspaper.

There were **no** objections received from the public consultation process.

### CRITERIA IN MAKING LICENSING DECISIONS

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

Section 82 of the Fisheries (Amendment) Act, 1997 stipulates that the Minister, in considering an application for a licence under the Foreshore Acts, which is sought in connection with the carrying on of aquaculture pursuant to an Aquaculture Licence, shall have regard to any decision of the licensing authority in relation to the Aquaculture Licence.

### RECOMMENDATION

It is recommended that the Minister, taking account of the decision on the related aquaculture licence application:

**refuses** the granting of a Foreshore Licence to Michael J O' Driscoll and Laura O'Donovan, T/A Ballinskelligs Sea Farms, Reen, Ballinskelligs, Killarney, Co. Kerry in respect of site (ref: T06/519A) on the foreshore in Ballinskelligs Bay, Co. Kerry.

### Related submissions

**AGR 00481-21:** Recommendation to grant an aquaculture/Foreshore Licences for 1 site (T06/519A)

### Comments

**OConnell, James** - 15/03/2021 17:28

I recommend Aquaculture licence application T06/519A be refused for the reasons set out in this submission

**OConnell, James** - 06/04/2021 15:52

I recommend Aquaculture licence application T06/519A be refused for the reasons set out in this submission

**Horan, Helena** - 06/04/2021 16:02

I agree with the recommendation that the Minister refuse the aquaculture and foreshore licences as outlined in the submission.

**McSherry, Sinead** - 14/09/2021 10:08

James, I have consulted with ASG Beamish arising from my view that this licence should progress with a positive recommendations to the Minister for the following reasons: SFPA have provided no mitigations measures for their objections and neither the MSO or CIL identified any safety or navigational issues and BIM indicated that this had no negative impact on Inshore fisheries. The correspondence from NIFO cannot be considered as it was received outside the timeframe for public consultation; as outlined in great detail in the applicants comments on the SFPA response the area requested by the applicants in the context of the wider bay is a reasonable size to enable multi-user types to co-exist. Please review the submission and amend the recommendation to the Minister.

### User details

INVOLVED: OConnell, James  
Horan, Helena  
McSherry, Sinead

READ RECEIPT: OConnell, James  
Horan, Helena  
McSherry, Sinead



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

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

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

**USE BLOCK CAPITALS IN BLACK INK PLEASE**

For Office Use
Application Ref. No. <b>T06/519</b>
Date of Receipt (Dept. Stamp): 

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

**PART 1: PRELIMINARY DETAILS**

<b>Applicant's Name(s)</b>
<b>1. Michael J O'Driscoll</b>
Address: <b>Reen, Ballinskelligs, Killarney, Co. Kerry</b>
<b>2. Laura O'Donovan</b>
Address: <b>Cooligboy, Timoleague, Bandon, Co. Cork</b>

**PART 1: PRELIMINARY DETAILS**

<b>Contact in case of enquiries (if different from above)</b>	
Contact Name	<b>Michael O'Neill</b>
Organisation Name (if applicable)	<b>Allihies Marine &amp; Business Solutions</b>
Address	<b>Lickbarrahan Cahermore Beara Co. Cork</b>
Phone:	[REDACTED]

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

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

**TYPE OF AQUACULTURE**

*See Guidance Note 3.2*

Indicate the relevant type of application with a tick.

**(i) MARINE-BASED**

- Finfish**  Go to Parts 2.1 and 2.1A
- Shellfish** *Subtidal*  Go to Parts 2.2 and 2.2A
- Intertidal*  Go to Parts 2.2 and 2.2A
- Seaweed/Aquatic Plants/Aquatic Fish Food**  Go to Parts 2.3 and 2.3A

**(ii) LAND-BASED**

- Finfish**  **Shellfish**  Go to Parts 2.4 and 2.4A
- Aquatic Plants**  **Aquatic Fish Food**  Go to Parts 2.4 and 2.4A

**(iii) TRIAL LICENCE**  
and to Part 2.5.

Go to appropriate Parts as above

## 2.3 MARINE-BASED SEAWEED/AQUATIC PLANTS/AQUATIC FISH FOOD AQUACULTURE

When filling out this section refer also to 2.3A and Guidance Note 3.3 for information on  
Conditions and Documents required with this application type

### Proposed Site Location

- (i) Bay: **Ballinskelligs**
- (ii) County: **Kerry**
- (iii) OS Map No: **EN 0079314**
- (iv) Co-ordinates of Site: (please specify coordinate reference system used e.g. Irish Grid (IG) or Irish Transverse Mercator (ITM) or Latitude/Longitude

### FARM 1

#### ING Co-ordinates

	Easting	Northing
	47202	61438
	47618	61494
	47665	61147
	47249	61091

- (v) Size (hectares): **14.7 H**

- (vi) Species (common and scientific name):  
**All Native Red and Brown seaweeds including:**

**Alaria esculenta (winged Kelp)**  
**Laminaria digitata (Kelp),**  
**Palmaria palmate (Dulse),**  
**Porphyra (Nori)**  
**Fucus vesiculosus (Bladderwrack),**  
**Saccharina latissima (Sugar Kelp) ,**  
**Laminaria hyperborean (Kelp),**  
**Ascophyllum nodosum (Asco),**  
**Ulva lactuca (Sea Lettuce)**  
**Himantalia elongate (Sea Spaghetti)**

- (vii) What is the source of plantlet?

#### Local Hatchery

- (viii) Cultivation Method?

#### Rope Line and Nets

- (ix) Proposed total number of lines/ropes

**28 lines x 330 m**

(x) Proposed Production:

Year 1	200 t	Year 2	200 t	Year 3	200 t	Year 4	200 t	Year 5	200 t
--------	-------	--------	-------	--------	-------	--------	-------	--------	-------

(xi) Reasons for site selection:

**This site provides relative shelter and has good access from different sheltered piers**

(xii) Provide detailed information on the techniques for cultivation in use or to be used. Are these techniques currently in use in the industry or are they new? Please give details;

**This is the standard rope and net cultivation method which is recommended in the BIM Sea weed Growing Manual.**

(xiii) Methods used for harvesting.

**Harvested from Boat**

(xiv) Has the site sufficient space for the site structures including mooring blocks?

**Yes,**

Please provide separately detailed drawings of both over and under water structures including moorings.  
(See Guidance Note on Site Structures 3.3.2)

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

**These lines require minimal flotation devices. When required we will use low profile, semi submerged battleship grey JFC FM130 flotation boys which will provide minimal visual impact.**

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

If Yes, give details

**No,**

**It is adjacent to Ballinskelligs Bay and Inny Estuary Special Area of Conservation 000335 and the Iveragh Peninsula SPA 004154.**

See Part 2.3A for details of documentation to be included with this application type

## **2.3A DOCUMENTATION REQUIRED FOR MARINE-BASED SEAWEED/AQUATIC PLANTS/AQUATIC FISH FOOD AQUACULTURE**

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

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

**NOW COMPLETE PARTS 2.6, 3, 4 AND 5 PLEASE**

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

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

**Michael J O'Driscoll** – Michael Joe is a qualified Carpenter, who has spent most of this working life in and around Ballinskelligs Bay. Living almost on the head of Reen pier he and his family would have a long and close relationship with the sea, seafaring and the fisheries industry. He would have spent much of his youth working in the local inshore fisheries, also working in the nearby Cromane mussel fishery, before moving into construction.

Michael has extensive boat handling skills as well as being an accomplished diver.

**Laura O'Donovan** – Laura graduated in Biology and Concurrent Education from UL, going on to become a teacher of Biology and Agricultural Science. Laura's family business, based in Timoleague Co Cork, is one of the most successful pig producers in the Munster area. This exposure, to building a successful business, has motivated the development of a Seaweed growing business, utilising her knowledge the scientific aspects of production, as well as a keen understanding of the market requirements of vegetable protein and food ingredients. Laura will provide the marketing and sales elements of the new business.

(ii) If a new application please provide details of projected employment creation during first four years of the proposed aquaculture project:

**FULLTIME JOBS**

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

**PART TIME JOBS**

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

(iii) In the case of a renewal please provide current and future details:

N/A

## PART 5: APPLICATION DOCUMENTATION

The following documents are enclosed with this application:

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

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

## PART 5: DECLARATION AND SIGNING

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

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

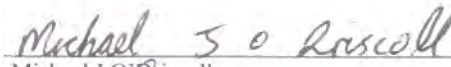
N/A

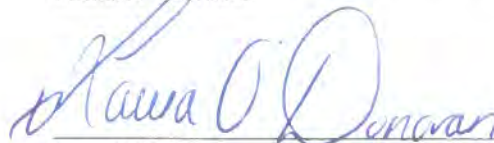
I/We hereby declare the information provided in Parts 1, 2, 3 and 4 above to be true to the best of my/our knowledge and that I am over 18 years of age. I/We enclose an application fee\* of

€95.23

with this application.

Signature(s) of Applicant(s):

  
Michael J O'Driscoll

  
Laura O'Donovan

Date: \_\_\_\_\_ 31/07/2019 \_\_\_\_\_

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

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

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

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

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



47000

48000

62000

62000

61000

61000

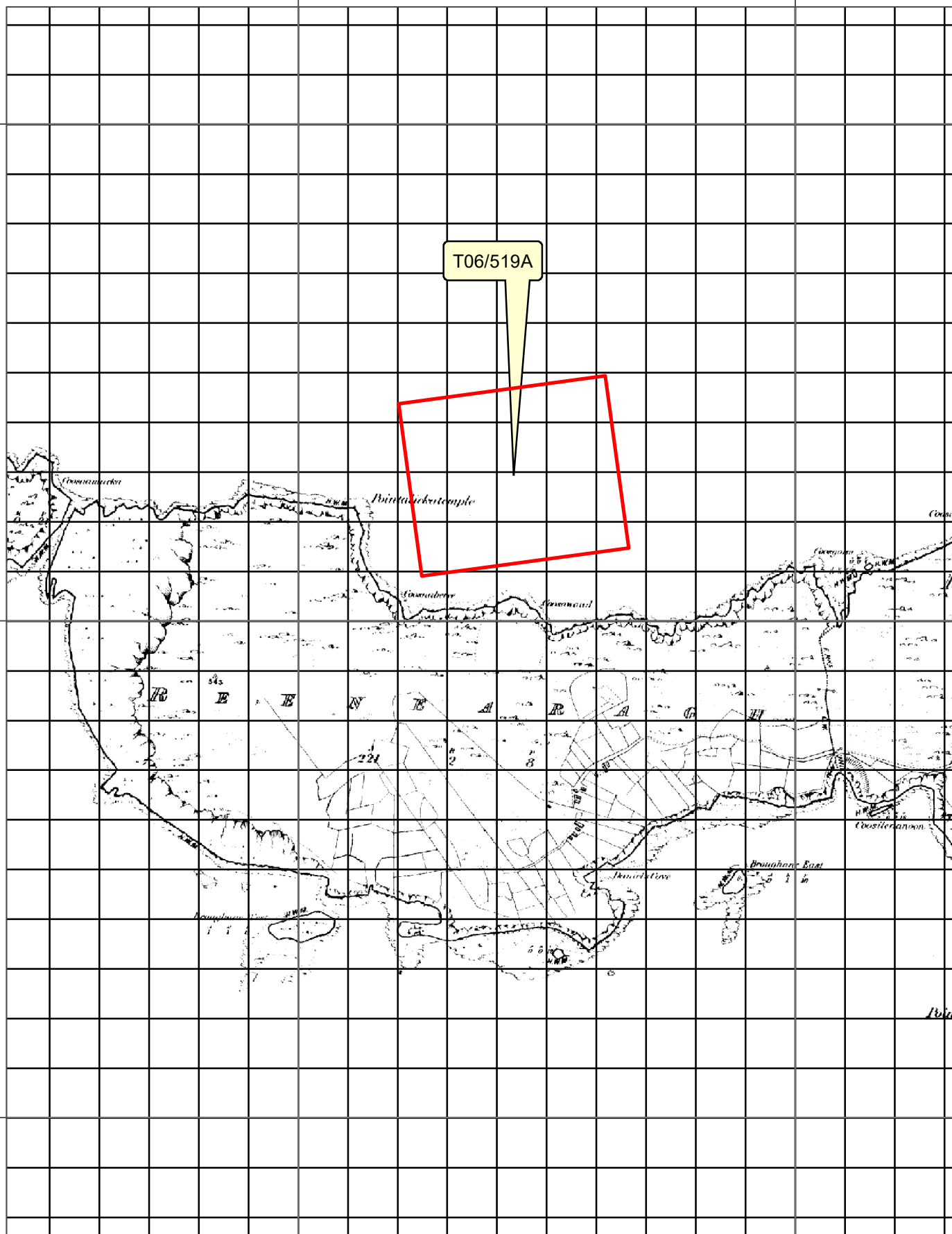
60000

60000

47000

48000

T06/519A




**Aqua Culture Sites**

<all other values>

**Site\_Status**

 Application

 Licensed

 100 Meter Reference Grid

# 1:10,560

Sites highlighted in red denotes Application

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



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

**1 NO. SITE AT BALLINSKELLIGS BAY CO.KERRY**

**Co-ordinates & Area**

**Site T06/519A (14.6984 Ha)**

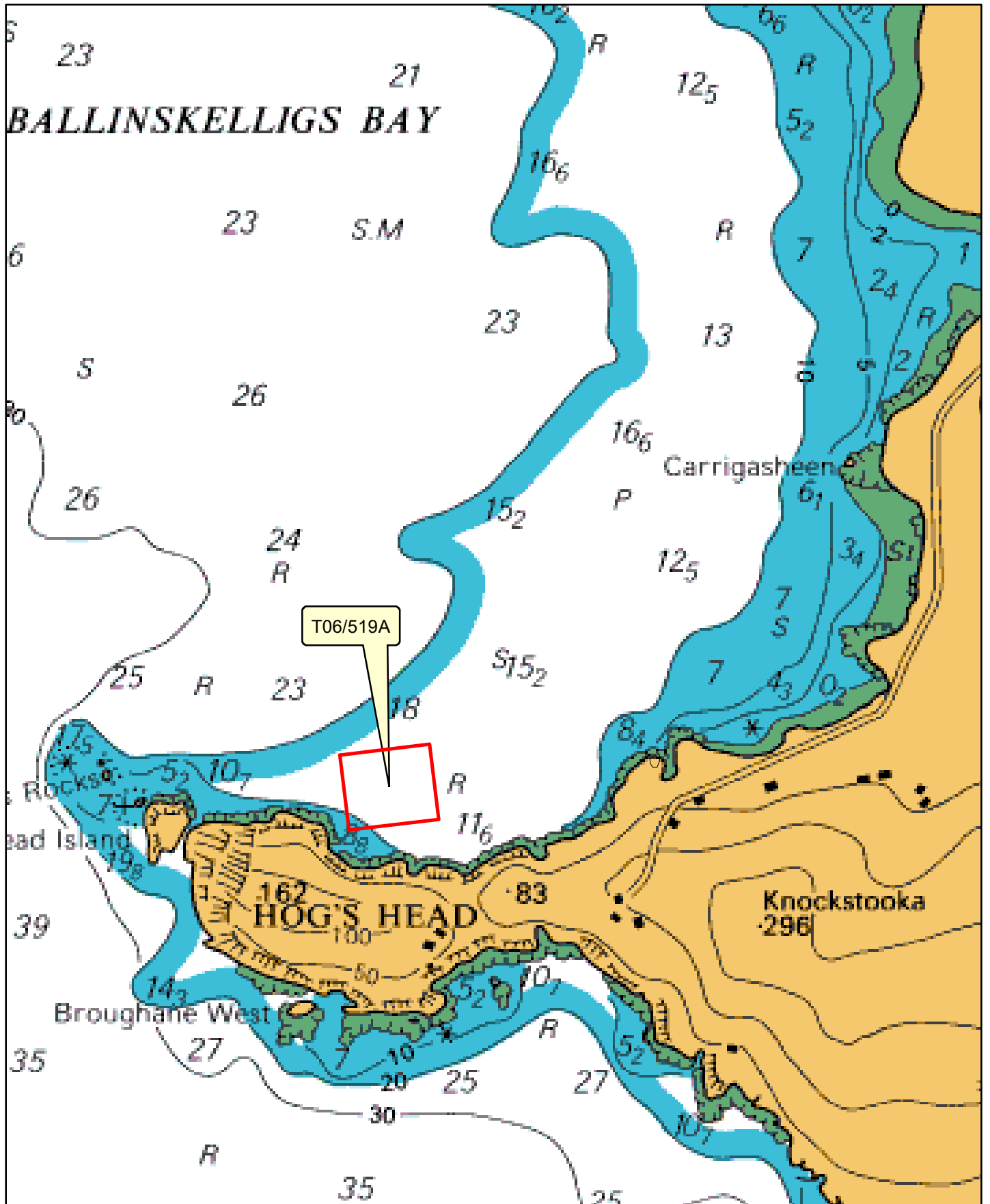
The area seaward of the high water mark and enclosed by a line drawn from Irish National Grid Reference point

047202, 061438 to Irish National Grid Reference point

047618, 061494 to Irish National Grid Reference point

047665, 061147 to Irish National Grid Reference point

047249, 061091 to the first mentioned point.



1:24,000

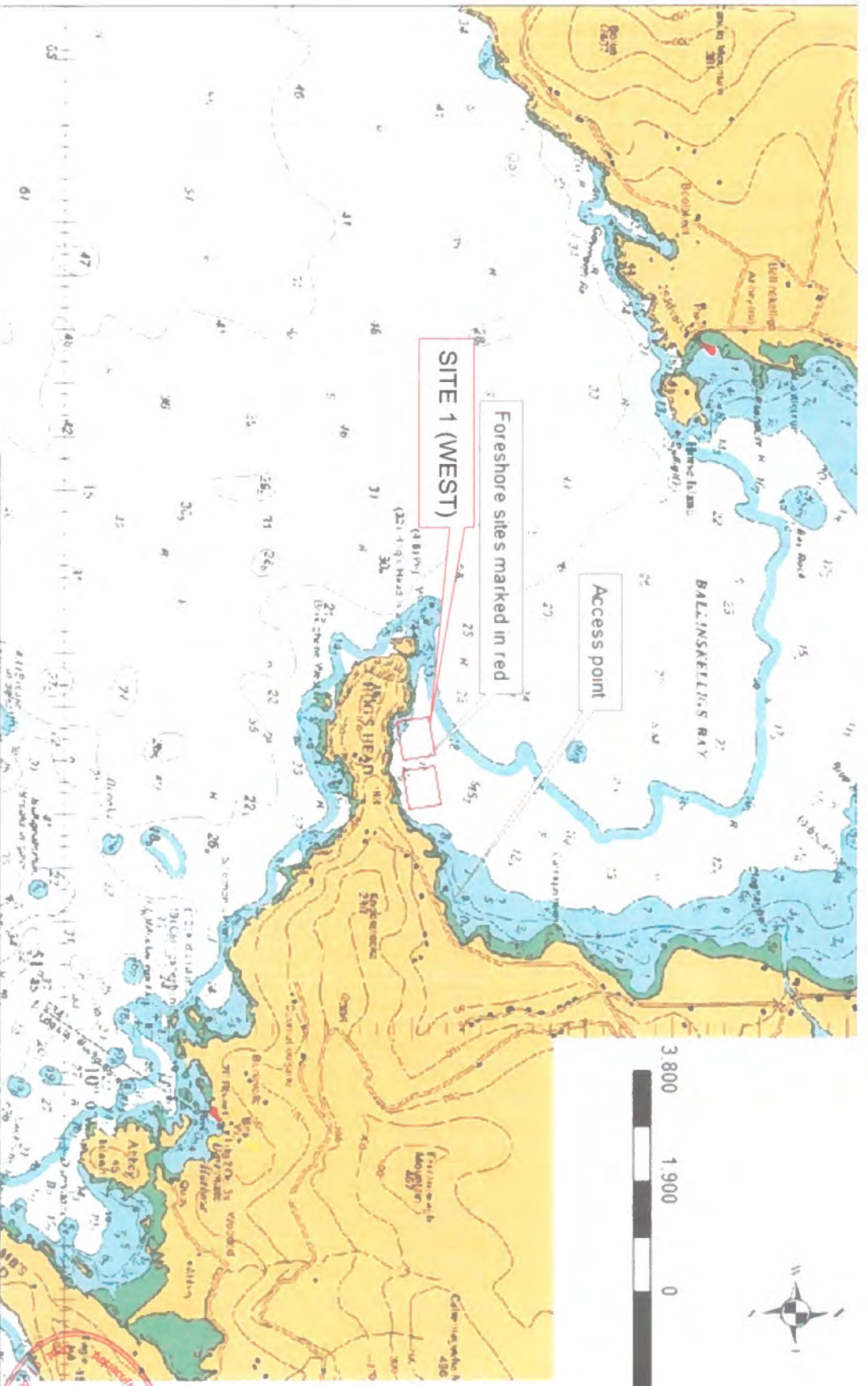
**Aqua Culture Sites**  
 <all other values>  
**Site\_Status**  
 Application  
 Licensed

Sites highlighted in red denotes Application

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



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



T06/519.

**ADMIRALTY CHART**  
Scale 1:100,000

OS License: OS License EN 0079314  
Admiralty Chart License  
Chart provided by client  
Admiralty Chart License no: 16976 Q  
License Area: 14.75 hectares  
ING Co-ordinates  
A: 47202 E, 61438 N  
B: 47618 E, 61494 N  
C: 47665 E, 61147 N  
D: 47249 E, 61091 N

**PROJECT:** Aquaculture Licence Application  
Seaweed Farm, Site 1 (West), Rinneen, Waterville, Co. Kerry  
**CLIENT:** O'Donovan - O'Discoll (Ballinskelligs Sea Farms)

- Notes:**
1. All dimensions are in metres unless noted otherwise
  2. All levels are in metres related to Ordnance Datum
  3. Co-ordinates to Irish National Grid.
  4. Application Site outlined in RED

**TITLE:** Admiralty Chart

Appl No: T05/  
Scale: 1:100,000 @ A4 Drg No: Rev  
Date: July 2019 T05/\_\_\_-01 0

 Mark Gallagher Architect  
MRIA Dip Eng BA BArch  
Eyeries, Beara, Co. Cork  
+353. 86. 0858593



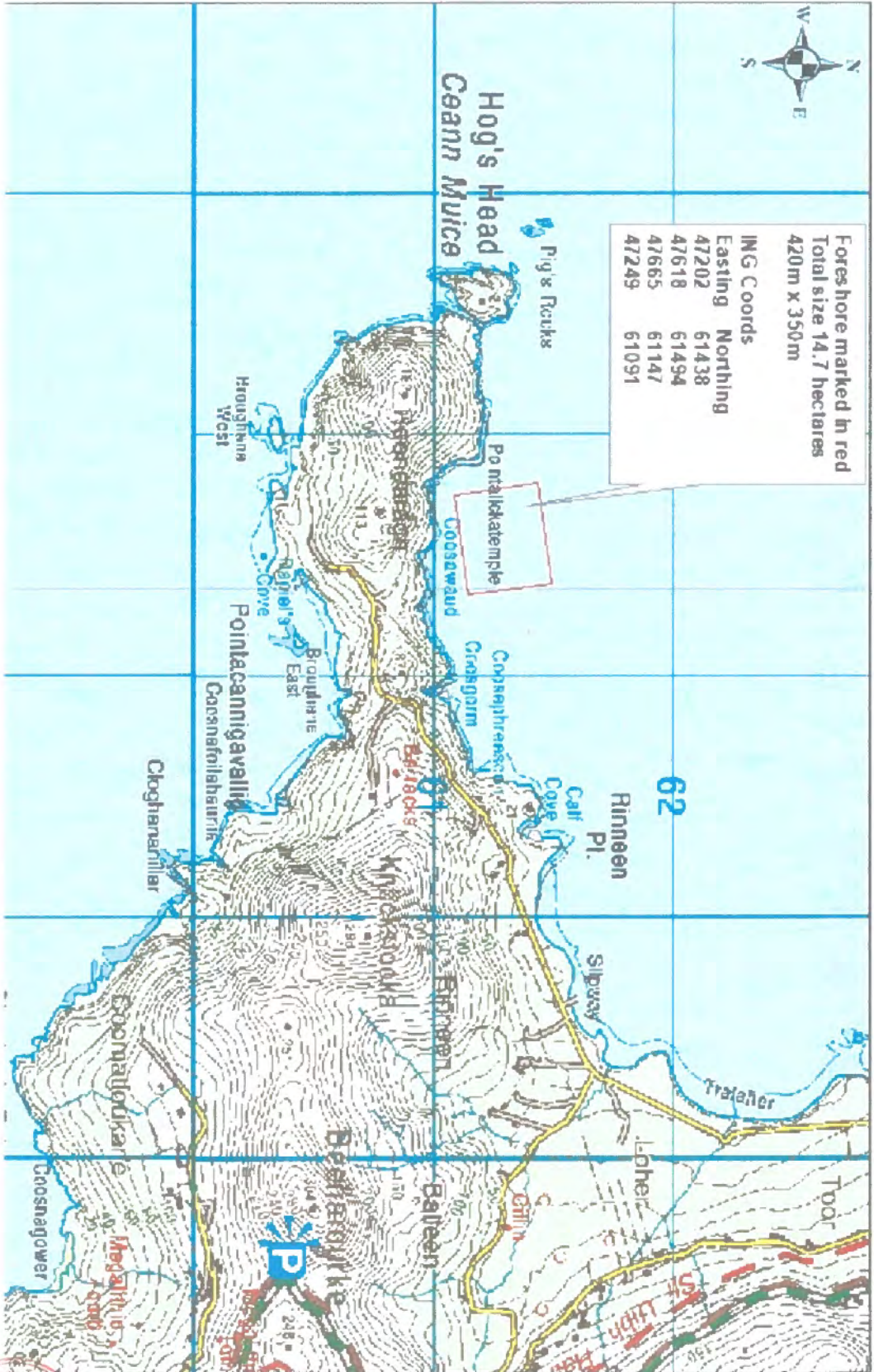
T06/519.



Fores here marked in red  
 Total size 14.7 hectares  
 420m x 350m

ING Coords

Easting	Northing
47202	61438
47618	61494
47665	61147
47249	61091



**ORDNANCE SURVEY MAP**  
 Scale 1 : 25,000

OS License:  
 OS License EN 0079314  
 Admiralty Chart License  
 Chart provided by client  
 Admiralty Chart License no:  
 16976 Q

License Area:  
 License Area 14.75 hectares

ING Co-ordinates:  
 A: 47202 E, 61438 N  
 B: 47618 E, 61494 N  
 C: 47665 E, 61147 N  
 D: 47249 E, 61091 N

**PROJECT:** Aquaculture Licence Application  
 Seaweed Farm, Site 1 (West), Rinneen, Waterville, Co.Kerry

**CLIENT:** O'Donovan - O'Driscoll (Ballinskelligs Sea Farms)

**TITLE:** OS Map

**Notes:**  
 1. All dimensions are in metres unless noted otherwise  
 2. All levels are in metres related to Ordnance Datum  
 3. Co-ordinates to Irish National Grid.  
 4. Application Site outlined in RED

Appl No: **T05/re, food & the Marine**

Scale: 1:25,000 @ A4

Date: July 2019

Drq No: T05/\_\_\_-02

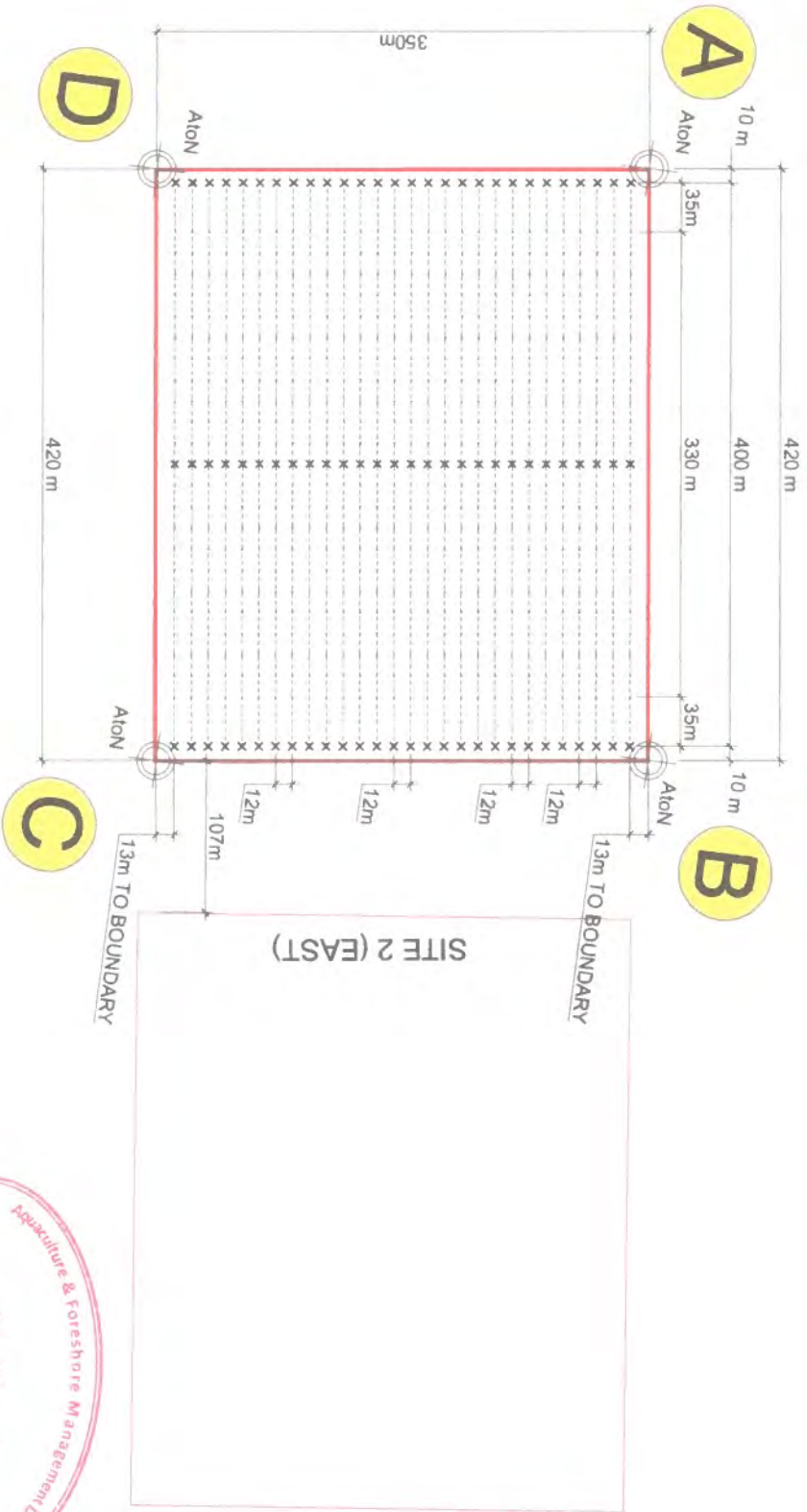
Rev: 0

Mark Gallagher Architect  
 MR/Al Dip Eng BA BArch  
 Eyeries, Beara, Co. Cork  
 +353 . 86 . 0858593





28 no. Seaweed Lines, 320m long x Ø20mm rope with JFC Grey Mussel barrel floats @ 15m centres. 12m between lines seaweed lines



**Plan Layout of Seaweed Long Lines**

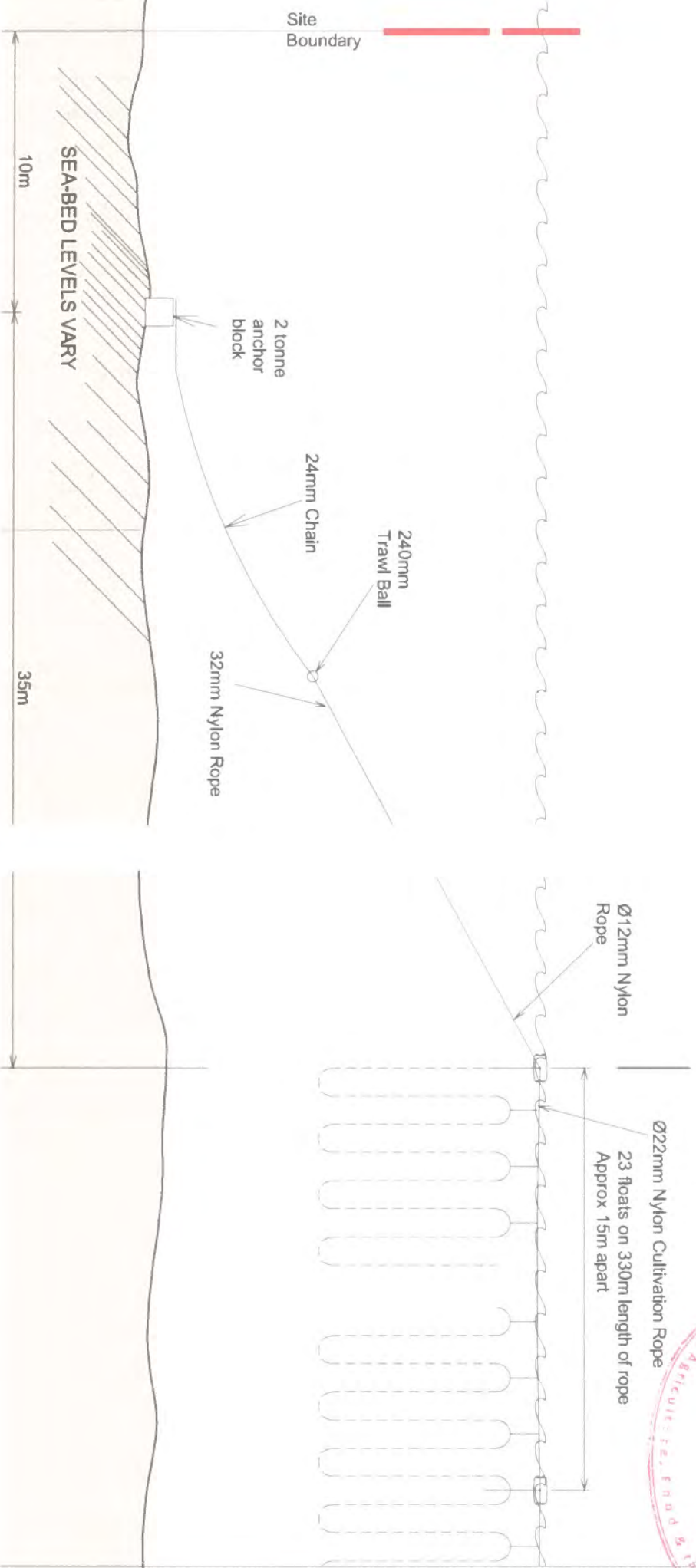
Scale 1:5000

OS License: OS License EN 0079314 Admiralty Chart License Chart provided by client Admiralty Chart License no: 16976 Q License Area: 14.75 hectares		<b>PROJECT:</b> Aquaculture Licence Application Seaweed Farm, Site 1 (West), Rinneen, Waterville, Co Kerry		<b>App'l No:</b> T05/LEAD & T05/LEAD	
<b>CLIENT:</b> O'Donovan - O'Driscoll (Ballinskelligs Sea Farms)		<b>Scale:</b> 1:5000 @ A4		<b>Drq No:</b> T05/____-03	
<b>Notes:</b> 1. All dimensions are in metres unless noted otherwise 2. All levels are in metres related to Ordnance Datum Malin. 3. Co-ordinates to Irish National Grid. 4. Application Site outlined in RED		<b>TITLE:</b> Site Layout Plan		<b>Rev</b> 0	
<b>ING Co-ordinates</b> A: 47202 E, 61438 N B: 47618 E, 61494 N C: 47665 E, 61147 N D: 47249 E, 61091 N		 <b>Eyerries, Beara, Co. Cork</b> +353. 86. 0858593			



T06/519.

706/519



**Detail of Seaweed Long Lines**  
**Scale 1:200**

OS License:  
 OS License EN 0079314  
 Admiralty Chart License  
 Chart provided by client  
 Admiralty Chart License no:  
 16976 Q

License Area:  
 14.75 hectares

ING Co-ordinates  
 A: 47202 E, 61438 N  
 B: 47618 E, 61494 N  
 C: 47665 E, 61147 N  
 D: 47249 E, 61091 N

**PROJECT:** Aquaculture Licence Application  
 Seaweed Farm, Site 1 (West), Rinneen, Waterville, Co.Kerry

**CLIENT:** O'Donovan - O'Driscoll (Ballinskelligs Sea Farms)

**Notes:**  
 1. All dimensions are in metres unless noted otherwise  
 2. All levels are in metres related to Ordnance Datum  
 3. Co-ordinates to Irish National Grid.  
 4. Application Site outlined in RED

**TITLE:** Seaweed Line Detail

Appl No: **T05/** \_\_\_\_\_

Scale: 1:200 @ A4

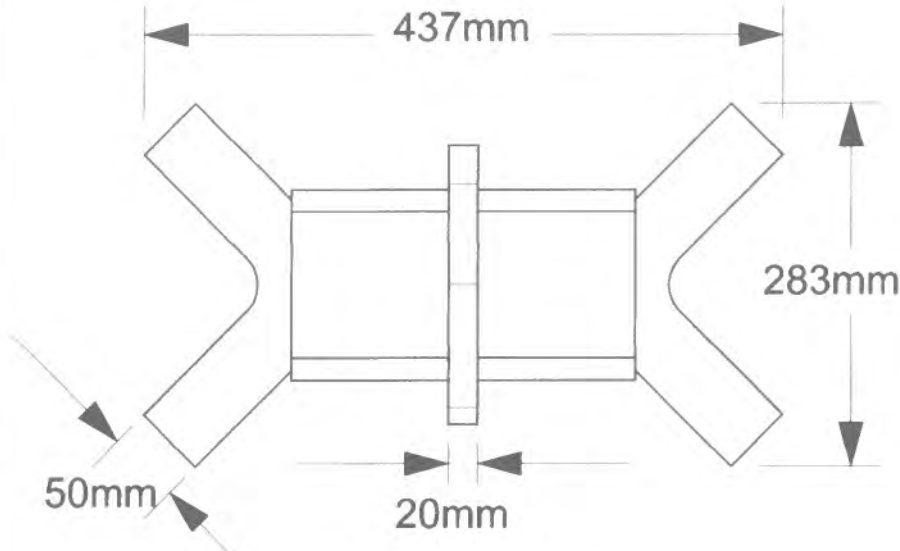
Date: July 2019

Drq No: T06/498-03

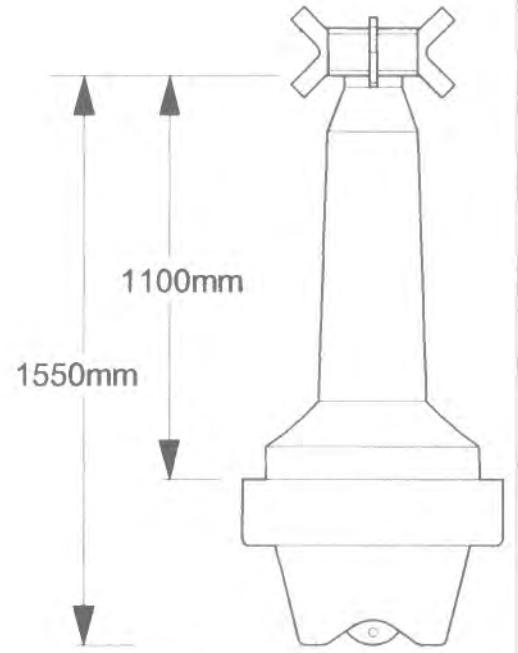
Rev: 0

**Mark Gallagher** Architect  
 MR/Al Dip Eng BA BArch  
**Eyerles, Beara, Co. Cork**  
 +353 . 86 . 0858593

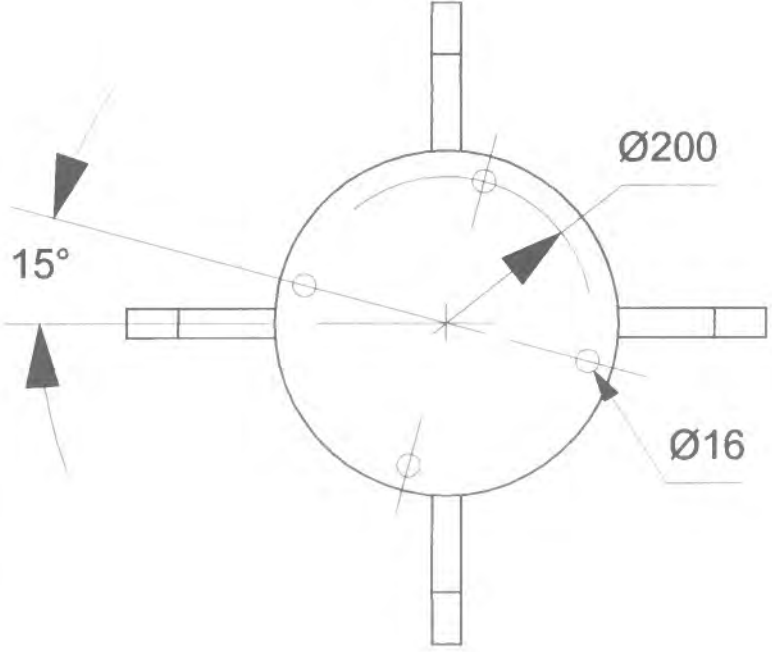
T06/519



ELEVATION :  
SPECIAL MARK BEACON  
Scale 1:5



ELEVATION :  
FLOATING MARKER BUOY  
Scale 1:20



PLAN :  
SPECIAL MARK BEACON  
Scale 1:5

- Floating Marker Buoy Specification
- Total Height 1550mm
  - Total Weight 65kg
  - Diameter 600mm
  - Volume 189 litres
  - Focal View 1100mm
  - Mooring Ring Diameter 25mm
  - Mooring block & line suitable for location



OS License: OS License EN 0079314 Admiralty Chart License Chart provided by client Admiralty Chart License no: 16976 Q  License Area: License Area 14.75 hectares  ING Co-ordinates A: 47202 E, 61438 N B: 47618 E, 61494 N C: 47665 E, 61147 N D: 47249 E, 61091 N	<b>PROJECT:</b> Aquaculture Licence Application Seaweed Farm, Site 1 (West), Rinneen, Waterville, Co.Kerry	<b>Appl No:</b> T05/____	
	<b>CLIENT:</b> O'Donovan - O'Driscoll (Ballinskelligs Sea Farms)	<b>Scale:</b> (as stated)	<b>Drg No:</b> T00/____-05
<b>Notes:</b> 1. All dimensions are in metres unless noted otherwise 2. All levels are in metres related to Ordnance Datum Malin. 3. Co-ordinates to Irish National Grid. 4. Application Site outlined in RED	<b>TITLE:</b> Special Marker Beacon Detail	 <b>Mark Gallagher Architect</b> MRIAI Dip Eng BA BArch <b>Eyeris, Beara, Co. Cork</b> +353 . 86 . 0858593	





## Marine Engineering Division

### Report on Aquaculture Licence Application

**Application Reference No:** T06/519

**Report Prepared By:** Kate Sayers

**Date:** 1<sup>st</sup> July 2020

**Applicant** Michael J O'Driscoll, Reen Ballinskelligs, Killarney, Co. Kerry  
Laura O'Donovan, Cooligboy, Timoleague, Bandon, Co. Cork

**Location** Ballinskellig Bay, Co Kerry

**Applicant Type** Aquaculture/Foreshore Licence Application

**Sites**

A
---

**Site Area (Ha)**

14.7 Ha
---------

**Species**

All Native Red and Brown seaweeds including: Alaria esculenta (winged Kelp), Laminaria digitata (Kelp), Palmaria palmate (Dulse), Porphyra (Nori), Fucus vesiculosus (Bladderwrack), Saccharina latissima (Sugar Kelp), Laminaria hyperborean (Kelp), Ascophyllum nodosum (Asco), Ulva lactuca (Sea Lettuce), Himanthalia elongate (Sea Spaghetti)

**Cultivation Method** Rope lines and nets

**Intertidal/Non-Intertidal** Non-intertidal

**Annual Production Estimates** 200 tonnes.

**Shellfish Waters Designation Reference:** Yes  No

**Environmental Designation Reference:** Yes  No

The site is adjacent to Ballinskelligs Bay and Inny Estuary SAC (Site Code: IE 000335) & the Iveragh Peninsula SPA (Site Code: IE 4154).

**Development Plans Reference:** Yes  No

Kerry County Development Plan 2015-2021  
West Iveragh Local Area Plan 2019 – 2025

**Pre-Consultation Meeting Date:** Yes  No

## Drawing Validation Sheet

**OSI Maps**

Comment:

Yes  No

1:10,560 scale maps prepared by GIS Mapping Section attached.

**BA Chart**

Comment:

Yes  No

BA Charts 1:24,000 prepared by GIS Mapping Section attached.

**Farm Layout Drawing**

Directional Arrow

Scale

Title Block

Date

Comment:

Yes  No

Yes  No

Yes  No

Yes  No

Yes  No

**Drawings of structures**

Comment:

Yes  No

**Details of Proposed  
Navigation Marking**

Comment:

Yes  No

**Site Access Indicated**

Comment:

Yes  No

**Site Co-Ordinates  
Indicated**

Comment:

Yes  No

**Site Overlap**

Comment:

Yes  No

**Oyster Fishery Order  
Overlap**

Comment:

Yes  No

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

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

## **Site Suitability Assessment**

### **Site Location**

The site is located in Ballinskellig Bay overlooked by the route of the Wild Atlantic Way, the Ring of Kerry and the Kerry Way.

The site is adjacent to Ballinskelligs Bay and Inny Estuary SAC (Site Code: IE 000335) and the Iveragh Peninsula SPA (Site Code: IE 4154). The site is 2.7km from Kenmare River SAC (Site Code: IE 002158), 3.6km from Killarney National Park, MacGillycuddy's Reeks and Caheragh River Catchment SAC (Site Code: IE 000365) and 3.8km from Deenish Island and Scariff Island SPA (Site Code: IE 004175).

### **Proposed Site Layout and Structures**

This is a new application for the cultivation of seaweed using the standard rope and net cultivation method recommended in BIM Seaweed Growing Manual. The applicant proposes to install 28 No. 330m seaweed lines with battleship grey JFC MF130 flotation buoys.

### **Land Based Facilities / Site Access**

Site access is by boat from a nearby slipway. The access point indicated on the applicant's drawing is within Ballinskelligs Bay and Inny Estuary SAC (Site Code: IE 000335).

### **Navigation**

The applicant has included a detailed drawing of special marker beacons. The Marine Survey Office should be consulted regarding any proposed navigation mark layouts.

### **Visual Impact**

The site is overlooked by the N70 Wild Atlantic Way / Ring of Kerry and the Kerry Way. However, as the site is over 3km from the N70 the views of the seaweed lines and navigation markers will be obscured and limited.

### **Impact / Cumulative Impact**

The site is located adjacent to seaweed application site T06/520. In my opinion the cumulative impact of the proposed sites is not significant.

The Marine Engineering Division has no objection to the granting of a licence for this site.



**Marine Institute**  
Foras na Mara

Rinville,  
Oranmore,  
Co. Galway  
Tel: 091 387200

Date: 04 August 2020

**Bernie McDonald**  
**Aquaculture and Foreshore Management Division**  
**Department of Agriculture, Food and the Marine**  
**Clogheen,**  
**Clonakilty**  
**Co. Cork.**

**Advice on Aquaculture Licence Application**

<b>Applicant</b>	<b>Michael J. O'Driscoll and Laura O'Donovan</b>
<b>Application type</b>	<b>New</b>
<b>Site Reference No</b>	<b>T06/519A</b>
<b>Species</b>	<b>Native red and brown seaweeds - using longlines</b>
<b>Site Status</b>	<b>Not located within a Natura 2000 Site.</b>

Dear Bernie

This is an application for an aquaculture licence to cultivate native red and brown seaweeds including *Alaria esculenta*, *Laminaria digitata*, *Palmaria palmata*, *Porphyra spp.*, *Fucus vesiculosus*, *Saccharina latissimi*, *Laminaria hyperborean*, *Ascophyllum nodosum*, *Ulva lactuca* and *Himantalia elongata* using longlines on the foreshore at Site T06/519A in Ballinskelligs Bay, Co. Cork. The area of foreshore at Site T06/519A is 14.6984Ha.

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

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

It is the Marine Institute's view that the potential risk of pollution caused by cultivating seaweeds as proposed is minimal. No hazardous or toxic chemicals are used in the production process. Like all other plants, seaweeds require sunlight and inorganic nutrients (Nitrogen and Phosphorous) for growth. These nutrients are present naturally in seawater and there are no requirements for input of "feed" or other chemicals. The cultivated seaweeds do not excrete toxic or potentially polluting substance as part of their growth cycle. There is a risk of pollution as a result, for example, of a fuel or hydraulic fluid spill from vessels used as part of the management activities e.g. seeding of ropes, harvesting of the seaweed, at the site. Given the scale of the proposal, however, any such events are likely to be minor and localised and the risk is considered to be minor.

Site T06/519A is not located within a designated Natura 2000 site and, as set out in the AA Screening Report for Ballinskelligs Bay<sup>1</sup> the Marine Institute is of the view that significant impacts on any features of adjacent Natura 2000 sites are not likely.

In order to be able to assess and manage the potential risk of the introduction of invasive non-native species, the MI recommends that the initial source of plantlets / seeded strings for seaweeds, and other sources which may be used at any point in the future, should be approved by the Minister. This approval should be a specific condition of any licence that may issue.

<sup>1</sup>

Notwithstanding the recommendation outlined above, and in the event that an Aquaculture Licence is granted, the movement of stock in and out of the site should follow best practice guidelines as they relate to the risk of introduction of invasive non-native species (e.g. [Invasive Species Ireland](#)). In this regard it is recommended that, prior to the commencement of operations at the site, the applicant be required to draw up a contingency plan, for the approval of DAFM, which shall identify, *inter alia*, methods for the removal from the environment of any invasive non-native species introduced as a result of operations at this site. If such an event occurs, the contingency plan shall be implemented immediately.

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

Kind regards,

A handwritten signature in black ink, appearing to read 'Terry McMahon', written in a cursive style.

---

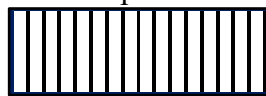
Dr. Terry McMahon  
Section Manager, Marine Environment and Food Safety Services,  
The Marine Institute.



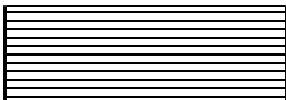
Aquaculture Site



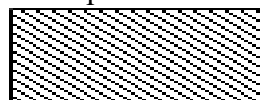
Special Area of Conservation



Shellfish Waters Directive Area



Special Protection Area





T +353.1.271.5400

F +353.1.271.5566

E [info@irishlights.ie](mailto:info@irishlights.ie)

W [www.irishlights.ie](http://www.irishlights.ie)

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

*Your Reference:* T06/519

*Our Reference:* LA:0540.0250

*Date:* 22/10/2019

**LL: LA:** 0540.0250

**Applicant:** Ballinskelligs Sea Farms

**Site:** Ballinskelligs, Co Kerry

Dear Ms. McDonald

Thank you for your letter advising us of this application.

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

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

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

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

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

Furthermore, if a licence is granted, the UK Hydrographic Office at Taunton: [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk) must be informed of the development's geographical position in order to update nautical charts and other nautical publications.

Yours sincerely,

**Capt. Catriona Dowling**  
**Navigation Services Manager**



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

**From:** O'CALLAGHAN Tom [TomOCallaghan@dtas.gov.ie]  
**Sent:** 08 April 2020 16:37  
**To:** McDonald, Bernie  
**Cc:** Coakley, John; 'info@irishlights.ie'; Donlon, Peter (Peter.Donlon@bim.ie); mark.healy@irishlights.ie  
**Subject:** T6 519 seaweed on lines for Ballinskelligs Sea Farms close East of Hog's head in Ballinskelligs Bay

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Dear Ms. McDonald,

Dear Mr. Coakley,

- This office has no objections from a navigational viewpoint to the above application; however the proposed site is in an exposed bay and all mooring equipment should be adequate to withstand weather conditions in this area.
- In order for charts and nautical publications to be updated the British Admiralty Hydrographic Office at Taunton , UK, is to be informed of the location and nature of the site.  
(Fax:0044 1823 284077, email : : [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk))
- The applicant is required to apply to the Commissioners of Irish Lights  
(Fax: 01-2715566, email: [info@irishlights.ie](mailto:info@irishlights.ie)) for sanction to establish the following lights and marks:

A yellow special mark buoy with light is to be located at each of the four corners of the site.

Regards

**Tom O'Callaghan (Capt.)**  
**Nautical Surveyor**  
*Marine Survey Office*

---

**An Roinn Iompair, Turasóireachta agus Spóirt**  
*Department of Transport, Tourism and Sport*

**Centre Park House, Bóthar Na Páirce Láir, Co. Corcaigh, T12 RKON**  
Centre Park House, Centre Park Road, Co. Cork, T12 RKON

---

T +353 (0)21 602 6323 Mob +353 87 7427712  
[tomocallaghan@dtas.gov.ie](mailto:tomocallaghan@dtas.gov.ie) [www.dttas.gov.ie](http://www.dttas.gov.ie)



\*\*\*\*\*

Tá eolas sa teachtaireacht leictreonach seo a d'fhéadfadh bheith príobháideach nó faoi rún agus b'fhéidir go mbeadh ábhar rúnda nó pribhléideach ann. Is le h-aghaidh an duine/na ndaoine nó le h-aghaidh an aonáin atá ainmnithe thuas agus le haghaidh an duine/na ndaoine sin amháin atá an t-eolas. Tá cosc ar rochtain don teachtaireacht leictreonach seo do aon duine eile. Murab ionann tusa agus an té a bhfuil an teachtaireacht ceaptha dó bíodh a fhios agat nach gceadaítear nochtadh, cóipeáil, scaipeadh nó úsáid an eolais agus/nó an chomhaid seo agus b'fhéidir d'fhéadfadh bheith mídhleathach.

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\*\*\*\*\*

**From:** Murphy, Mike [murphym@bim.ie]  
**Sent:** 10 September 2020 17:00  
**To:** McDonald, Bernie  
**Subject:** RE: Michael J O'Driscoll& Laura o' donovan T/a Ballinskelligs Sea Farm Ref; T06/519a and T06/520A

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Dear Bernie,

Re: Licence Consultations in Ballinskelligs, Co. Kerry, T06/519A and T06/520A, applications to grow brown and red seaweeds on longlines.

Following internal consultation within the Seafood Technical Services Business Unit, BIM, which includes aquaculture and inshore fisheries, BIM are satisfied that the proposed operations do not conflict with any other aquaculture or inshore fisheries interests in the area.

We have no objection to these applications.

Regards

Mike Murphy

**Michael Murphy**

Resource Development Manager North,  
Seafood Technical Services Business Unit,  
**BIM**

**T** +353 749732601

**M** +353 87 2476448

**E** [mike.murphy@bim.ie](mailto:mike.murphy@bim.ie)

---

**From:** McDonald, Bernie  
**Sent:** 31 July 2020 12:23  
**To:** Murphy, Mike  
**Subject:** FW: Michael J O'Driscoll& Laura o' donovan T/a Ballinskelligs Sea Farm Ref; T06/519a and T06/520A

Dear Consultee

Please see attached letter which refers to the above applications T06/519A and T06/520A

I would be grateful for any observations you may wish to make on the application which must be submitted **within six weeks** from the date of notification. As this correspondence is being sent by e-mail, the date of the e-mail is treated as the date of notification.

Details of the application and all other relevant documentation may be viewed on the Department's website at:

<https://www.agriculture.gov.ie/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshorelicencesapplications/kerry>

Regards

Bernie



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

**Bernie Mc Donald** | Aquaculture and Management Division

Department of Agriculture, Food and the Marine

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

Ionad Náisiúnta Bia Mara, Cloich na Coillte, Co. Chorcaí

[www.agriculture.gov.ie](http://www.agriculture.gov.ie) | Email: [bernie.mcdonald@agriculture.gov.ie](mailto:bernie.mcdonald@agriculture.gov.ie)

Tel: +353 23 8859538 (Direct Dial) | Tel: +353 23 8859500 (Switchboard)

Regards

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Department of Agriculture, Food and the Marine

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An Roinn Talmhaíochta, Bia agus Mara

Tá an t-eolais san ríomhphost seo, agus in aon ceanglái leis, faoi phribhléid agus faoi rún agus le h-  
aghaigh an seolaí amháin. D'fhéadfadh ábhar an seoladh seo bheith faoi phribhléid profisiúnta nó  
dlíthiúil. Mura tusa an seolaí a bhí beartaithe leis an ríomhphost seo a fháil, tá cosc air, nó aon chuid de,  
a úsáid, a chóipeál, nó a scaoileadh. Má tháinig sé chugat de bharr dearmad, téigh i dteagmháil leis an  
seoltóir agus scríos an t-ábhar ó do ríomhaire le do thoil.

Your Ref: T06/519A & T06/520A

Aquaculture and Foreshore Management Division,  
Department of Agriculture, Food and the Marine,  
National Seafood Centre  
Clonakilty  
Co Cork

**Uisce Éireann**  
Teach Colvill  
24-26 Sráid Thalbóid  
Baile Átha Cliath 1  
D01 NP86  
Éire

**Irish Water**  
Colvill House  
24-26 Talbot Street  
Dublin 1  
D01 NP86  
Ireland

Date: 01/09/2020

**Re: Application for Aquaculture Licences**

T: +353 1 89 25000  
F: +353 1 89 25001  
[www.water.ie](http://www.water.ie)

Dear Sir/Madam,

We refer to your email notification of the 31/07/2020 regarding the above application for aquaculture licences and make the following observations.

We note that application refers to developments that are not within designated shellfish waters. For your information, we identify in the Table the coordinates of existing primary and secondary discharges operated by Irish Water discharging within 10 km of the proposed developments.

Application No.	Within 10 km of non primary discharge point			Within 10 km of primary discharge point		
		X	Y		X	Y
T06/519A	No			Yes	50112	65881
				Yes	43400	65088
T06/520A	No			Yes	50112	65881
				Yes	43400	65088

The Department may wish to consider the proximity of wastewater discharges to the proposed aquaculture developments when making a decision on this application.

Yours faithfully,



Suzanne Dempsey  
Spatial Planning Strategy Specialist  
Irish Water

**From:** Sayers, Kate  
**Sent:** 08 September 2020 15:48  
**To:** McDonald, Bernie  
**Cc:** Crowley, Raphael; OShea, Gearoid  
**Subject:** RE: Michael J O'Driscoll& Laura o' donovan T/a Ballinskelligs Sea Farm Ref; T06/519a and T06/520A  
**Attachments:** 20\_IW\_AQ\_09\_Ballinskelligs\_Bay\_T06\_519A\_T06\_520A.PDF; T06\_519A\_T06\_520A.PDF

Bernie,

MED have reviewed the attached reply from Irish Water and have the following comments. The application refers to sites T06/519A and T06/520A, which are both for seaweed and not shellfish. The sites are also in an open bay suitably distant (approx. 5.5km) from Irish Water discharge points so there should be no conflict with the discharge points. The fact that the application refers to sites that are not within designated shellfish waters does not preclude the Minister from issuing licences in these areas. AFMD should seek confirmation of the above views from SFPA or MI.

Regards,

**Kate Sayers,**  
*Engineer, Marine Engineering Division*

---

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

**Pointe Uí Rinn, Cathair Uí Mhóráin, Trá Lí, Co. Chiarraí, V92 X2TK**  
Reen Point, Blennerville, Tralee, Co. Kerry, V92 X2TK

---

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---

**From:** OShea, Gearoid  
**Sent:** 02 September 2020 14:22  
**To:** Sayers, Kate  
**Cc:** Crowley, Raphael  
**Subject:** FW: Michael J O'Driscoll& Laura o' donovan T/a Ballinskelligs Sea Farm Ref; T06/519a and T06/520A

Kate,

Please see attached from Irish Water.

Regards,

Gearoid

---

**From:** McDonald, Bernie  
**Sent:** 02 September 2020 14:18  
**To:** OShea, Gearoid  
**Subject:** FW: Michael J O'Driscoll& Laura o' donovan T/a Ballinskelligs Sea Farm Ref; T06/519a and T06/520A

Hi Gearóid,  
Please see reply from Irish Water re the above sites.

Regards  
Bernie

---

**From:** Sheila Convery [<mailto:sconvery@water.ie>]  
**Sent:** 01 September 2020 13:02  
**To:** McDonald, Bernie  
**Cc:** Spatial Planning  
**Subject:** RE: Michael J O'Driscoll& Laura o' donovan T/a Ballinskelligs Sea Farm Ref; T06/519a and T06/520A

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Dear Bernie, please find attached the submission from Irish Water in connection with the two licence applications T06/519A and T06/520A.

Best wishes,

Sheila

**Sheila Convery**

**Spatial Analyst**  
**Asset Strategy & Sustainability**

**Uisce Éireann: Irish Water**  
Colvill House, Talbot St., Dublin 1, Ireland  
**T:** 01-89-25717 | **E:** [sconvery@water.ie](mailto:sconvery@water.ie)

---

**From:** McDonald, Bernie <[Bernie.McDonald@agriculture.gov.ie](mailto:Bernie.McDonald@agriculture.gov.ie)>  
**Sent:** Friday 31 July 2020 12:00  
**To:** 'environmentalplanning@fisheriesireland.ie'; 'terry.mcmahon@marine.ie'; 'Ben Dallaghan'

<dallaghan@bim.ie>; "Joanne Gaffney - BIM" <Joanne.Gaffney@bim.ie>; 'foreshore@housing.gov.ie'; 'planning@failteireland.ie'; 'naturalenvironment@antaisce.org'; 'fem.dau@chg.gov.ie'; 'spatialplanning@water.ie'; 'environ@kerrycoco.ie' <environ@kerrycoco.ie>; "Murphy." <Mike@bim.ie>  
Cc: OConnell, James <James.OConnell@agriculture.gov.ie>  
Subject: Michael J O'Driscoll& Laura o' donovan T/a Ballinskelligs Sea Farm Ref; T06/519a and T06/520A

Dear Consultee

Please see attached letter which refers to the above applications T06/519A and T06/520A

I would be grateful for any observations you may wish to make on the application which must be submitted **within six weeks** from the date of notification. As this correspondence is being sent by e-mail, the date of the e-mail is treated as the date of notification.

Details of the application and all other relevant documentation may be viewed on the Department's website at:

<https://www.agriculture.gov.ie/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshorelicenceapplications/kerry>

Regards

Bernie



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

**Bernie Mc Donald** | Aquaculture and Management Division

Department of Agriculture, Food and the Marine

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

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Regards

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aghaigh an seolaí amháin. D'fhéadfadh ábhar an seoladh seo bheith faoi phribhléid profisiúnta nó  
dlíthiúil. Mura tusa an seolaí a bhí beartaithe leis an ríomhphost seo a fháil, tá cosc air, nó aon chuid de,  
a úsáid, a chóipeál, nó a scaoileadh. Má tháinig sé chugat de bharr dearmad, téigh i dteagmháil leis an  
seoltóir agus scríos an t-ábhar ó do ríomhaire le do thoil.

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limited by shares, is a subsidiary of Ervia, established pursuant to the Water Services Act 2013,  
having its principal place of business at Colvill House, 24-26 Talbot Street, Dublin 1.

Thank you for your attention.

Tá an fhaisnéis á seachadadh dírithe ar an duine nó ar an eintiteas chuig a bhfuil sí seolta amháin  
agus féadfar ábhar faoi rún, faoi phribhléid nó ábhar atá íogair ó thaobh tráchtála de a bheith mar  
chuid de. Tá aon athsheachadadh nó scaipeadh den fhaisnéis, aon athbhreithniú ar nó aon úsáid  
eile a bhaint as, nó aon ghníomh a dhéantar ag brath ar an bhfaisnéis seo ag daoine nó ag eintitis  
nach dóibh siúd an fhaisnéis seo, toirimisce the agus féadfar é a bheith neamhdhleathach. Níl  
Uisce Éireann faoi dhliteanas maidir le seachadadh iomlán agus ceart na faisnéise sa chumarsáid  
seo nó maidir le haon mhoill a bhaineann léi. Ní ghlacann Uisce Éireann le haon dliteanas faoi  
ghnímh nó faoi iarmhairtí bunaithe ar úsáid thoirmiscithe na faisnéise seo. Níl Uisce Éireann faoi  
dhliteanas maidir le seachadadh ceart agus iomlán na faisnéise sa chumarsáid seo nó maidir le  
haon mhoill a bhaineann léi. Má fuair tú an teachtaireacht seo in earráid, más é do thoil é, déan  
teagmháil leis an seoltóir agus scríos an t-ábhar ó gach aon ríomhaire. Féadfar ríomhphost a  
bheith soghabhálach i leith truaillithe, idircheaptha agus i leith leasaithe neamhúdairithe. Ní  
ghlacann Uisce Éireann le haon fhreagracht as athruithe nó as idircheapadh a rinneadh ar an  
ríomhphost seo i ndiaidh é a sheoladh nó as aon dochar do chórais na bhfaighteoírí déanta ag an  
teachtairacht seo nó ag a ceangaltáin. Más é do thoil é, tabhair faoi deara chomh maith go  
bhféadfar monatóireacht a dhéanamh ar theachtairachtaí chuig nó ó Uisce Éireann chun  
comhlíonadh le polasaithe agus le caighdeáin Uisce Éireann a chinntiú agus chun ár ngnó a  
chosaint. Fochuideachta gníomhaíochta de chuid Ervia is ea Uisce Éireann atá faoi theorainn



scaireanna, de bhun fhorálacha an tAcht um Sheirbhísí Uisce 2013, a bhfuil a bpríomh ionad gnó ag 24-26 Teach Colvill, Sráid na Talbóide, BÁC 1.

Go raibh maith agat as d'aird a thabhairt.



AN t-ÚDARÁS UM  
CHOSAINT  
IASCAIGH MHARA

SEA-FISHERIES  
PROTECTION  
AUTHORITY

5<sup>th</sup> November 2019

Bernie McDonald,  
Aquaculture and Foreshore Management Division,  
Department of Agriculture, Food and the Marine,  
National Seafood Centre  
Clonakilty,  
Co. Cork.

**Re: Aquaculture and Foreshore Licence application T06/519 for Ballinskelligs  
Sea Farms, Ballinskelligs Bay, Co. Kerry**

- The issuing of an Aquaculture and Foreshore licence in the area identified as T06/519 for the cultivation of seaweed would have a **negative impact** on local inshore sea fishing operations.

Yours sincerely,

John Falvey  
Senior Port Officer,  
Sea Fisheries Protection Authority,  
Dingle, Co. Kerry.

**From:** Falvey, John  
**Sent:** 15 October 2020 13:23  
**To:** McDonald, Bernie  
**Cc:** Phair, Ann; OConnell, James  
**Subject:** RE: Ballinskelligs Sea Farm T06-519A and T06-520A

Afternoon Bernie

Local sea fishing operations in this area primarily involve potting for lobster and crab. This area is an important fishing ground for a number of inshore fishing vessels during the summer months, particularly between outer Hogs Head and Rineen Point. The size of the proposed sites (14.7ha x 2) would adversely affect their ability to deploy their fishing gear in this area where they have operated for many years. Furthermore, the fishermen often move their fishing gear (>300 pots) to this location in storms/heavy swells as it provides a greater degree of shelter than other areas of Ballinskelligs Bay.

Regards

John

**John Falvey**  
Senior Port Officer

**T** +353 27 70439  
**F** +353 87 8211728  
**E** [john.falvey@sfpa.ie](mailto:john.falvey@sfpa.ie)



An t-Údarás um Chosaint Iascaigh Mhara, An Bothar Thuaidh, Baile Caisleán Bheárta, Contae Chorcaí.  
Sea Fisheries Protection Authority, North Road, Castletownbere, Co. Cork  
Eircode: P75 YC60  
[www.sfpa.ie](http://www.sfpa.ie)

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**From:** McDonald, Bernie  
**Sent:** Monday 12 October 2020 15:35  
**To:** Falvey, John  
**Cc:** Phair, Ann ; OConnell, James  
**Subject:** Ballinskelligs Sea Farm T06-519A and T06-520A

Hi John,

I refer to your responses to the Aquaculture and Foreshore Licence application T06/519 and T06/520 for Ballinskelligs Sea Farms, Ballinskelligs Bay, Co. Kerry.

Our department is currently reviewing submissions received from the various public and statutory stakeholders in order to make a decision on these applications.

Upon review of the SFPA recommendation that both T06/519 and T06/520 would have a **negative impact** on local inshore sea fishing operations we would be obliged if certain details could be clarified in order for the minister to make an informed determination in relation to these applications.

Namely can more information be provided on the location, fishing methods, target species etc of the local inshore seafishing operations that the SFPA have advised would be negatively impacted?

In addition information on how the method of cultivation of these applications would impact local inshore seafishing operations and measures (if any) that could be implemented to mitigate such impacts.

Regards,

Bernie McDonald

Department of Agriculture, Food and the Marine

National Seafood Centre, Clonakilty, Co Cork, P85TX47

Ionad Náisiúnta Bia Mara, Cloich na Coillte, Co Chorcaí

[www.agriculture.gov.ie](http://www.agriculture.gov.ie) [Email:bernie.mcdonald@agriculture.gov.ie](mailto:bernie.mcdonald@agriculture.gov.ie)

[Tel:353238859538](tel:353238859538) (Direct Dial) [Tel:353238859500](tel:353238859500)



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

23<sup>rd</sup> of February 2021

To: Bernie McDonald

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

**Ref: T06/519A and T06/520A**

**RE: Applications for two Aquaculture Licences**

Dear Bernie,

Thank you for your correspondence dated the 16<sup>th</sup> of February 2021 and the opportunity to comment on these observations.

**Regarding the observations of the MSO.**

We note that the MSO has no objections from a navigational perspective.

The applicants intend to utilise appropriate mooring equipment suitable for sites and will be working closely with BIM's technical section to source and deploy appropriate structures that meet all current legislative and industry specifications.

The applicants will inform all necessary bodies, once the licenses are granted, including the British Admiralty Hydrographic Offices and the Commissioners of Irish Lights, and will apply for sanction to CIL for the suggested marking and lighting arrangement as outlined by the MSO.

**Regarding the observations of the SFPA.**

We note that the SFPA have formed an opinion that the proposed licenses would have a negative impact on the local inshore sea fishing operations. We also received an explanation of this opinion outlined in the correspondence dated the 15<sup>th</sup> of October 2020, signed by Mr. John Falvey, Senior Port Officer.

Prior to making this application the applicants would have consulted with the fishermen living and working from Ballinskelligs Bay. One of the applicants Mr. Michael Joe O'Driscoll's family have fished from Ballinskelligs Pier for generations, with Mr. O'Driscoll living less than 100m from the pier.

In scoping the suitability of these sites for the purpose of cultivating seaweed, Mr. O'Driscoll was able to draw information provided by local, active and registered fishermen, living, and working from Ballinskelligs Bay for many generations.

Mr. O'Driscoll would have consulted widely with local community and various interest groups regarding the application and the positioning of these sites.

The applicants followed the application process as set out in Legislation, and the public were consulted, through the proscribed publication of the application in the local press "The Kerryman". The number of observations/objections received by the department, from the general advertising of the application in the local Newspaper, was **Zero**, which might suggest that any perceived impacts of the proposed applications would be considered, at worst, minimal by the general public, including the Inshore fishermen living and working in Ballinskelligs Bay.

No locally based fishermen, living and working from Ballinskelligs Bay, objected, or negatively commented on the application. Also, no fishermen working in and around the South/South-West Kerry general area, objected or commented negatively on the application. It can be noted that no fishermen's organization or representative body, local or national objected or commented negatively on these applications.

It then appears strange that the SFPA can draw such an opinion without a thorough consultation process with the local Industry, as would have been the case with the applicants, in preparing their applications and through their participation in the legislated public consultancy process. In receiving these observations from the SFPA, the applicant has approached local fishermen living and working in the area, to verify whether they had been consulted by the SFPA regarding this matter, prior to the 20<sup>th</sup> of October 2020, the date of response. None of the local fishermen, living and working from Ballinskelligs Bay had been contacted or consulted on this matter.

The consensus from the local community, including the local fishing Industry was one of support. This can be substantiated in the fact that no fishermen, local or otherwise, indeed no member of the general public, given the opportunity during the public consultancy process, chose to voice an objection or negative comment in regard to these license applications.

To bring some context to the applications, in relation to Ballinskelligs Bay.

Ballinskelligs Bay has an area of approximately 4000 Hectares, With the license applications representing 29.4 Hectares, which is equal to 0.735% of the overall bay area, leaving an area of 99.265 % of the bay for other activities.

The area mentioned specifically by the SFPA is between Outer Hogs Head and Rineen point, is approximately 100 Hectares, with the proposed sites being positioned to avoid the 70 most productive Hectares from an inshore fishing perspective, as determined by the applicants, during their initial consultation with the local inshore fishermen, which may explain the lack of objections or negative comments from Inshore fishermen in the area.

The sites have been positioned to avoid the main lobster/crab fishing grounds, being 100 to 130 meters from the shore and providing necessary access to the shoreline fishing ground. The sites have been positioned to allow maximum access between the sites of over 100m to allow for ease of access for inshore vessels and other users. The sites have been positioned after consultation with local fishermen who have worked and lived in Ballinskelligs Bay for many generations. As inshore boats fishing in the area are generally less than 10m, then it is unlikely that the operational area for the applications will provide any practical impediment to their fishing activities.

As stated by the SFPA the lobster and crab are predominantly a summer seasonal fishery, which would be the case. Also, lobster and crab migrate in summer, from deeper water to shallow water, which is also the case. The fact that these migrations occur suggests that any shellfish will naturally move from the deeper water to the shallower shoreline, and so move from the seaweed farm operational area, as the summer progresses. These migratory movements would be an undisputed fact in the fishing community.

Also Seaweed Farms due to their minimum impact provide a sanctuary for small shellfish, juvenile fish and outer sea vegetation. These sanctuaries become natural nursery grounds, with the potential to enhance the local ecosystem and assist in natural restocking. This will ultimately increase the available shellfish resource available to the inshore fleet, making it more profitable and more sustainable.

Also, the Seaweed Farm can provide a useful tool in the removal of Nitrates and Phosphates in the Bay. This mitigation will have the effect of improving water quality and so help to regenerate and maintain the ecosystem of the bay, thus improving the carrying capacity of the bay, which can only have a positive effect on the shellfish productivity and the sustainability of the Inshore fisheries.

The SFPA state that local fishermen use this area for the storage of pots in bad weather. We presume that this is during the summer as it is a summer fishery, which seems unusual and certainly would be disputed by the applicants and other fishermen living and working in Ballinskelligs Bay.

If this were the case, then it would only be temporary in nature given the smaller probability of large storms from April to August. Given the sites under application are exposed from a westerly and North west wind direction then, it must be assumed, given the prevailing South-westerly winds that pots may be stored in southerly storms /heavy seas, during this summer fishery. Given this is the case, and after consulting with local Fishermen living in the area, the area from Outer Hogs head to Carrigosheen Rocks, would also be sheltered for that purpose of storing pots, however unlikely that purpose might be.

This area measures 310 Hectares of shelter water, of which, 29.4 Hectares would be used for the operational area of the seaweed farms leaving 91.5% of the area available for the storage of pots, in the unlikely event that an inshore fisherman, chooses to move all their pots into one specific area in summer, then this area could accommodate thousands of stored pots if required.

The applicant has taken photographs of the area on the 19<sup>th</sup> of February 2021(see attached File), which we have attached, this was taken with heavy swell and in south-westerly storm conditions. As can be seen this area has absolutely no floatation markers visible,

These pictures show that whatever about summertime, the area in question is not used for long term storage of any pots during the winter, from November to March. This can be validated by local fishermen working and living in the Bay.

Therefore, we can assume that possibility of temporary storage may only occur for a few days over a period of 2 months in the year and given the availability of alternative storage areas, close by, then we cannot understand how this can negatively impact the local industry other than by creating a little inconvenience.

We also question how an area that the SFPA says is used predominantly for storage, has an economic impact that is equivalent to or greater than the outputs of the prospective seaweed farms. These farms can create 4 full time and 6 parttime local jobs, on farm in the bay, with minimal displacement of any existing operators and users of the bay, while utilising only 0.735% of the area of the bay. The areas in question, under normal fishing operations would only represent a very small operational area, available to the inshore fisheries, given that the applications avoid the most productive fishing ground, then the economic impact on the Inshore fishing Industry could only be minimal.

The Applicants would hope to process and pack the seaweed on shore in a local facility, this would lead to a further creation of 6 jobs onshore, and a range of seaweed added value products that will add to the local economy, in a measurable and sustainable fashion.

We note that the SFPA have not outlined any specific economic impact, as regards the loss of these operational areas to the Inshore Sea Fisheries or made reference to any Scientific or Industry data that may substantiate such an argument.

We also note the letter of request of further information from the Department of Marine dated the 12th of October 2020.

We understand that aquaculture and inshore fisheries will always be in competition, when it comes to operational area, and inshore Fishermen, can feel particularly aggrieved by the "apparent loss" of "Fishing Grounds", even if they are the least productive and seldom used.

It is obvious from the response from the general public and the remainder of statutory consultees, that there were no other grounds for objection or negative comment to be made on these applications, that there are no other apparent underlying issues surrounding these applications. The SFPA is the only consultee to have voiced a negative comment, The applicants are extremely aware and concerned by the possible consequences on the applications, when such a comment is made by a statutory consultee, but given the possible significant impact of a negative comment, then the SFPA should be in a position to give substantive and relevant detailed context to any comment, based on existing documented Industry data, accepted scientific principles and/or the appropriate legislation, which would be in keeping with their remit.



We note that it appears that the SFPA have only provided part of the requested information, to the department and have failed to respond to paragraph 5 of the Departments request for further information.

*"In addition, information on how the method of cultivation of these applications would impact local inshore sea fishing operations and measures (if any) that could be implemented to mitigate such impacts."*

The SFPA has failed to provide any information on possible mitigation of any possible impacts, which could imply that the SFPA is not aware of any possible means to mitigate any preserved impacts, which is obviously not the case. The SFPA, from past experience, could have suggested some form of measure, that could be used to mitigate any perceived impacts, but chose not to in this case. This might be explained by the fact that the impacts are so marginal and minimal, that mitigation, in this case, is not an issue.

The fact that no negative scientific or legislative, arguments have been made, by the SFPA, is certainly positive. The only implied negative impact seems to be from a loss of operational area. You would imagine that if fishermen who operates in this area, and could see a threat to their livelihood, would have taken the opportunity to voice their opinion in the public consultancy process, as per legislation. The information provided in the response to the department by the SFPA is not substantive and gives no indication of how this information was attained or the process by which Industry consultation took place, Again, the applicants have been made aware that licenced fishermen, living and working in the area, were not part of any consultancy process regarding these applications.

The applicants agree that the SFPA have outlined a possible issue over operational area, we also agree that there is a possibility of minimal impact on the local inshore Fishing industry, but we also would contend that this can be the case with many sea-based aquaculture applications, but it would be highly unusual for the Inshore Fishing community not to voice an opinion, if the Industry felt it had just grounds to comment. This would normally occur during the public consultation phase of the application but did not happen in this case.

The applicants would contend that the observed Negative Impact on local Inshore sea fishing operations, appears to be exaggerated and that the actual impacts may be more of "inconvenience" in nature. But again no Fisherman or no Fisherman's representative Organisation, has made any observation or Negative comment on these applications.

The applicants would also contend and that the long-term benefits of having healthier and more productive ecosystems would ultimately be, to the benefit of the local inshore sea fishing Industry as well as other users of Ballinskelligs Bay and that these benefits will ultimately completely outweigh any preserved inconvenience, real or otherwise.

Yours Sincerely.

*Michael J O' Driscoll*

*Michael Joe O'Driscoll, on behalf of the Applicants*





**From:** Falvey, John  
**Sent:** 03 March 2021 11:58  
**To:** McDonald, Bernie; Phair, Ann  
**Cc:** OConnell, James  
**Subject:** RE: Ballinskelligs Seafarms Ref; T06-519A and T06-520A  
**Attachments:** Ballinskelligs NIFA.PDF

Good Morning Bernie

The SFPA fully stands over the observations we have already made in respect of these applications.

Please see attached a letter from Mr Alex Crowley of the National Inshore Fishermens's Association which outlines in detail the concerns of the local inshore fishing community regarding the applications.

If you require any further information please let me know.

Regards

John

**John Falvey**  
Senior Port Officer

**T** +353 27 70439  
**F** +353 87 8211728  
**E** [john.falvey@sfpa.ie](mailto:john.falvey@sfpa.ie)



An t-Údarás um Chosaint Iascaigh Mhara, An Bothar Thuaidh, Baile Caisleán Bheárta, Contae Chorcaí.  
Sea Fisheries Protection Authority, North Road, Castletownbere, Co. Cork  
Eircode: P75 YC60  
[www.sfpa.ie](http://www.sfpa.ie)

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**From:** McDonald, Bernie  
**Sent:** 02 March 2021 12:55  
**To:** Falvey, John; Phair, Ann  
**Cc:** OConnell, James  
**Subject:** FW: Ballinskelligs Seafarms Ref; T06-519A and T06-520A

Hi John,

I refer to yours of 15/10/20 and applicants reply to these comments.  
Do you have any further views/comments on their reply?

Regards

Bernie McDonald



[www.inshore.ie](http://www.inshore.ie)



[nifa.secretary@gmail.com](mailto:nifa.secretary@gmail.com)

[nifo.secretary@gmail.com](mailto:nifo.secretary@gmail.com)

The Pier Store,  
Cahirciveen,  
Co. Kerry,  
02/03/2021

To Whom it may concern,

As you may be aware the National Inshore Fishermen's Association CLG (NIFA) was established in 2017 to represent Inshore Fishers, who operate vessels of less than twelve meters overall length, that meet the European Maritime Fisheries Fund (EMFF), Small Scale Coastal Fishers (SSCF) definition. NIFA works closely with the National Inshore Fishermen's Organisation CLG (NIFO) which was also established in 2017, to represent Inshore Fishers, who operate vessels of less than eighteen meters overall length, that do not meet that definition. Combined the two groups now have one hundred and seventy eight members nationally. These members, between them, operate approximately two hundred, commercial Inshore, fishing vessels.

NIFA has ten members based in South Kerry or on the Iveragh peninsula. The majority of these members would have had some experience in, and dependency on, various fisheries in Ballinskelligs Bay, at some stage in their careers. Fisheries including, inter alia, demersal/pelagic trawling, static netting, potting for lobster, brown and velvet crab, potting for shrimp, scallop dredging and fishing with hooks and lines. Of these members, [REDACTED], [REDACTED], who operate the vessels, [REDACTED], [REDACTED] respectively, would have the highest dependency. Their traditional fishing operations, spanning more than half a century, have been almost exclusively limited to Ballinskelligs Bay.

In relation to Aquaculture Licence applications T06/519A and T06/520A we can confirm that as of the above date, none of our members have been consulted with by the applicants. We can also confirm that none of our members are aware of, other, non-member fishers, being consulted with either.

In relation to the [REDACTED] dependency on Ballinskelligs Bay and more specifically the area covered by the above mention applications, it is common knowledge within our South Kerry membership and indeed the wider South Kerry community, that the [REDACTED] rely heavily on

this area as an area to shelter for their fishing equipment at times of bad weather, as it offers considerable shelter in prevailing South West wind and swell. The presence of any aquaculture infrastructure including anchors and cables will seriously impact on the [REDACTED] ability to continue to use this area for this purpose, something their family has done for in excess of sixty years.

Should you require any clarifications on the above, please contact me email to [nifa.secretary@gmail.com](mailto:nifa.secretary@gmail.com)

Regards,

Alex Crowley,

General Secretary, National Inshore Fishermen's Association CLG (NIFA)

<b>Appropriate Assessment Screening for aquaculture activity at Sites T06/519A and T06/520A in Ballinskelligs Bay</b>	
Brief description of the project or plan	<p>Currently there is no licenced aquaculture activity in Ballinskelligs Bay, Co. Kerry.</p> <p>Aquaculture licence applications have been submitted for the production of native seaweeds (<i>Alaria esculenta</i>, <i>Laminaria digitata</i>, <i>Laminaria hyperborea</i>, <i>Laminaria saccharina</i>, <i>Ascophyllum nodosum</i>, <i>Ulva lactuca</i>, <i>Porphyra spp</i>, <i>Fucus vesiculosus</i> <i>Palmaria palmata</i>, <i>Himanthalia elongata</i>) using longlines at Sites T06/519A and T06/520A in Ballinskelligs Bay. The location of the sites is shown in Figure 1. The area of foreshore at Site T06/519A is 14.69 Ha while the area of foreshore at Site T06/520A is 14.72 Ha.</p> <p>It is intended that the seaweeds are cultured using seeded strings on longlines supported by floating structures. It is intended that seeded strings will be sourced from within Ireland. It is anticipated that the maximum total annual production of seaweeds across the 2 proposed sites would be circa 400 tonnes.</p>

Brief description of the Natura 2000 sites	<p>Sites T06/519A and T06/520A are not located within a Natura 2000 site. The following Natura 2000 sites are adjacent to (within 15Km) of the proposed aquaculture sites (see Figure 1)</p> <p><b>Ballinskelligs Bay and Inny Estuary SAC (Site Code: 000335)</b></p> <p>This site is located at the western end of the Iveragh Peninsula, Co. Kerry, close to the town of Waterville. It comprises the marine waters of Ballinskelligs Bay, as far out as the five-fathom line, some adjoining terrestrial areas and the estuary of the River Inny upstream to Breahig townland. The site extends from Horse Island at the western end of the bay round to Rineen Point at its south-eastern side. Much of the site comprises shallow marine water, Ballinskelligs Bay, but it also supports a wide variety of other habitats, including intertidal mud/sand flats, sandy beaches, shingle, tidal river channels, sea cliffs, wet and dry grassland, freshwater marshes, swamps, cut-away bog, scrub, Bracken and saltmarsh.</p> <p>The site is of considerable conservation significance, particularly for the presence of two types of saltmarsh, Mediterranean salt meadows and Atlantic Salt Meadows listed on Annex I of the E.U. Habitats Directive and of a population of <i>Petalophyllum ralfsii</i>, a species listed on Annex II of this Directive.</p>
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	<p>The Conservation Objectives of this site are<sup>1</sup></p> <ul style="list-style-type: none"> <li>• To maintain the favourable conservation condition of Atlantic salt meadows (<i>Glauco- Puccinellietalia maritimae</i>) in Ballinskelligs Bay and Inny Estuary SAC</li> <li>• To maintain the favourable conservation condition of Mediterranean salt meadows (<i>Juncetalia maritimi</i>) in Ballinskelligs Bay and Inny Estuary SAC</li> <li>• To restore the favourable conservation condition of Petalwort in Ballinskelligs Bay and Inny Estuary SAC</li> </ul> <p><b>Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365).</b></p> <p>This very large site encompasses the mountains, rivers and lakes of the Iveragh Peninsula, and the Paps Mountains which stretch eastward from Killarney towards Millstreet. The majority of the site is in Co. Kerry, with a small portion in Co. Cork. This is the most mountainous region in Ireland and includes Carrauntoohil, the highest peak in the country at 1,039 m. Overall, the site is of high ecological value because of the diversity, quality and extensiveness of many of the habitats, and impressive list of rare species of flora and fauna. In recognition of its importance the Killarney National Park has been designated a World Biosphere Reserve</p> <p>The Conservation Objectives for this site are<sup>2</sup></p> <ul style="list-style-type: none"> <li>• To restore the favourable conservation condition of Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To restore the favourable conservation condition of Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or of the <i>Isoëto-Nanojuncetea</i> in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation in Killarney National Park,</li> </ul>
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<sup>1</sup> NPWS (2014) Conservation Objectives: Ballinskelligs Bay and Inny Estuary SAC 000335. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

<sup>2</sup> NPWS (2017) Conservation Objectives: Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC 000365. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.

	<p>Macgillycuddy's Reeks and Caragh River Catchment SAC</p> <ul style="list-style-type: none"> <li>• To restore the favourable conservation condition of Northern Atlantic wet heaths with <i>Erica tetralix</i> in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To restore the favourable conservation condition of European dry heaths in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To restore the favourable conservation condition of Alpine and Boreal heaths in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of <i>Juniperus communis</i> formations on heaths or calcareous grasslands in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of Calaminarian grasslands of the <i>Violetalia calaminariae</i> in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To restore the favourable conservation condition of <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To restore the favourable conservation condition of Blanket bogs (* if active bog) in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC,</li> <li>• To restore the favourable conservation condition of Depressions on peat substrates of the <i>Rhynchosporion</i> in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC,</li> <li>• To restore the favourable conservation condition of Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)* in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC,</li> <li>• To restore the favourable conservation condition of <i>Taxus baccata</i> woods of the British Isles* in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of Kerry Slug in Killarney National Park,</li> </ul>
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	<p>Macgillycuddy's Reeks and Caragh River Catchment SAC</p> <ul style="list-style-type: none"> <li>• To restore the favourable conservation condition of Freshwater Pearl Mussel in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To restore the favourable conservation condition of Marsh Fritillary in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of Sea Lamprey in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of Brook Lamprey in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC,</li> <li>• To maintain the favourable conservation condition of River Lamprey in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of Atlantic Salmon in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of Lesser Horseshoe Bat in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of Otter in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of Killarney Fern in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To maintain the favourable conservation condition of Slender Naiad in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> <li>• To restore the favourable conservation condition of Killarney shad in Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC</li> </ul> <p><b>Kenmare River SAC (Site Code: 002158)</b></p> <p>Kenmare River SAC in Co. Kerry, is a long, narrow, south-west facing bay. Exposure to prevailing winds and swells at the mouth diminishes towards the head of the bay. Numerous islands and inlets along the length of the bay provide further areas of additional shelter in which a variety of habitats and unusual communities occur. Kenmare River SAC has a wide</p>
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	<p>range of marine communities from exposed coast to ultra-sheltered areas.</p> <p>The Conservation Objectives for this site are;<sup>3</sup></p> <ul style="list-style-type: none"> <li>• To maintain the favourable conservation condition of Large shallow inlets and bays in Kenmare River SAC,</li> <li>• To maintain the favourable conservation condition of Reefs in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of Perennial vegetation of stony banks in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of Vegetated sea cliffs of the Atlantic and Baltic coasts in Kenmare River SAC,</li> <li>• To maintain the favourable conservation condition of Atlantic salt meadows (<i>Glauco- Puccinellietalia maritimae</i>) in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of Mediterranean salt meadows (<i>Juncetalia maritimi</i>) in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation ('grey dunes') in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of European dry heaths in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of Calaminarian grasslands of the <i>Violetalia calaminariae</i> in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of Submerged or partially submerged sea caves in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of Narrow-mouthed Whorl Snail in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of Lesser Horseshoe Bat in Kenmare River SAC</li> <li>• To restore the favourable conservation condition of Otter in Kenmare River SAC</li> <li>• To maintain the favourable conservation condition of Harbour Seal in Kenmare River SAC</li> </ul>
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<sup>3</sup> NPWS (2013) Conservation Objectives: Kenmare River SAC 002158. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

	<p><b>Deenish Island and Scariff Island SPA (Site Code: 004175)</b></p> <p>Deenish Island and Scariff Island are small- to medium-sized islands situated between 5 and 7 km west of Lamb’s Head off the Co. Kerry coast; they are thus very exposed to the force of the Atlantic Ocean. The vegetation is mostly grassland, with some heath occurring on the higher ground. Old fields are now overgrown with Bracken and brambles (<i>Rubus</i> spp.). The surrounding seas to a distance of 500 m around the islands are included within the site. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Fulmar, Manx Shearwater, Storm Petrel, Lesser Black-backed Gull and Arctic Tern.</p> <p>The Conservation Objectives for this site are<sup>4</sup></p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <ul style="list-style-type: none"> <li>• Fulmar (<i>Fulmarus glacialis</i>)</li> <li>• Manx Shearwater (<i>Puffinus puffinus</i>)</li> <li>• Storm Petrel (<i>Hydrobates pelagicus</i>)</li> <li>• Lesser Black-backed Gull (<i>Larus fuscus</i>)</li> <li>• Arctic Tern (<i>Sterna paradisaea</i>)</li> </ul> <p><b>Iveragh Peninsula SPA (Site Code: 004154)</b></p> <p>The Iveragh Peninsula SPA is a large site situated on the west coast of Co. Kerry. The site encompasses the high coast and sea cliff sections of the peninsula from just west of Rossbehy in the north, around to the end of the peninsula at Valencia Island and Bolus Head, and as far east as Lamb’s Head in the south. The site includes the sea cliffs, the land adjacent to the cliff edge and also areas of sand dunes at Derrynane and Beginish. The high water mark forms the seaward boundary except at Doulus Head/Killelan Mountain where the adjacent sea area to a distance of 500 m from the cliff base is included.</p> <p>The Conservation Objectives for this site are<sup>5</sup></p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p>
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<sup>4</sup> NPWS (2018) Conservation objectives for Deenish Island and Scariff Island SPA [004175]. Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht.

<sup>5</sup> NPWS (2018) Conservation objectives for Iveragh Peninsula SPA [004154]. Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht.

	<ul style="list-style-type: none"> <li>• Fulmar (<i>Fulmarus glacialis</i>)</li> <li>• Peregrine (<i>Falco peregrinus</i>)</li> <li>• Kittiwake (<i>Rissa tridactyla</i>)</li> <li>• Guillemot (<i>Uria aalge</i>)</li> <li>• Chough (<i>Pyrrhocorax pyrrhocorax</i>)</li> </ul> <p><b>Puffin Island SPA (Site Code: 004003)</b>  Puffin Island lies approximately 0.5 km off the northern side of St Finan's bay in south-west Co. Kerry. The island is almost divided into two halves – the southern half is a long narrow, rocky ridge, rising to 130 m, while the northern half broadens into a grassy plateau though has a high point of 159 m. The island is surrounded by mostly steep cliffs and slopes. Puffin Island is one of the most important seabird sites in Ireland</p> <p>The Conservation Objectives for this site are<sup>6</sup></p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <ul style="list-style-type: none"> <li>• Fulmar (<i>Fulmarus glacialis</i>)</li> <li>• Manx Shearwater (<i>Puffinus puffinus</i>)</li> <li>• Storm Petrel (<i>Hydrobates pelagicus</i>)</li> <li>• Lesser Black-backed Gull (<i>Larus fuscus</i>)</li> <li>• Razorbill (<i>Alca torda</i>)</li> <li>• Puffin (<i>Fratercula arctica</i>)</li> </ul>
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<b>Assessment criteria</b>	
Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the Natura 2000 site.	Seaweed is cultured using longlines supported by floating structures similar to those used for mussel culture. It is intended that seeded strings will be sourced from within Ireland.

<sup>6</sup> NPWS (2018) Conservation objectives for Puffin Island SPA [004003]. Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht

Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 site by virtue of:	
size and scale;	There are no direct or indirect impacts from the culture operations on the adjacent Natura 2000 sites.
Distance from the Natura 2000 site or key features of the site:	There is no spatial overlap between any of the aquaculture sites and the adjacent Natura 2000 sites.
Resource requirements (water abstraction etc.):	The culture of seaweed is reliant upon ambient nutrient levels in the water column and solar illumination. The production of seaweed does not use any resources required by the qualifying features of adjacent Natura sites.
Emissions (disposal to land, water or air):	The aquaculture sites, located in the subtidal area, would be accessed by boat. As a consequence, noise and pollution e.g. as a result of a fuel spill may present a risk to features of adjoining Natura sites with a specific marine element. The risks are, however, not considered significant at the proposed levels of aquaculture activity. It is considered that impacts would be localised and minor.
Excavation requirements:	There are no excavation or similar activities associated with the aquaculture activity
Transportation requirements:	Access routes to the aquaculture sites do not spatially overlap with any of the adjacent Natura 2000 sites. The produced aquaculture products would be transported offsite by lorry using the existing national road network with no impact on the adjacent Natura 2000 sites.
Duration of construction, operation, decommissioning:	None
Other:	

Describe any likely changes to the site arising as a result of:	
Reduction of habitat area:	There is no reduction in habitat area within any of the Natura 2000 sites considered arising from the proposed aquaculture production activities.
Disturbance to key species:	Given the separation distance of the production sites from the adjacent Natura 2000 sites and the absence of any clear “source –pathway – receptor” there will be no disturbance to key species within any Natura 2000 sites. There is no evidence in the scientific literature to suggest that aquaculture activities as proposed significantly impact on the bird species listed as Features of Interest in the SPAs.

Habitat or species fragmentation:	There is no habitat or species fragmentation within the Natura 2000 sites arising from the aquaculture production activities.
Reduction in species density:	There is no reduction in species density within the Natura 2000 sites arising from the aquaculture production activities.
Changes in key indicators of conservation value (water quality):	There are no changes in key indicators of conservation value within the Natura 2000 sites arising from the aquaculture production activities.
Climate change:	Given the nature and scale of the aquaculture production activities the contribution to climate change is considered insignificant.



Describe any likely impacts on the Natura 2000 site as a whole in term of;	
Interference with the key relationships that define the structure of the site:	None of the activities associated with the proposed seaweed production at Sites T06/519A and T06/520A in Ballinskelligs Bay will interfere with the key relationships that define the structure of the adjacent Natura 2000 sites.
Interference with the key relationships that define the function of the site	None of the activities associated with the proposed seaweed production at Sites T06/519A and T06/520A in Ballinskelligs Bay will interfere with the key relationships that define the function of the adjacent Natura 2000 sites.
Provide indicators of significance as a result of the identification of effects set out above in terms of:	
Loss	None identified
Fragmentation:	None identified
Disruption:	None identified
Disturbance:	None identified
Change to key elements of the site (e.g. water quality etc.):	None identified
Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.	None identified

<b>Finding of no significance effect report:</b>	
Name of project or plan:	Aquaculture production of seaweeds at Sites T06/519A and T06/520A in Ballinskelligs Bay.
Name and location of Natura 2000 site It would be helpful for a map or plan to be provided:	See Figure 1.
Description of the project or plan	Aquaculture production of seaweeds at Sites T06/519A and T06/520A in Ballinskelligs Bay.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No.
Are there other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No.
Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site.	The cultivation of seaweeds at Sites T06/519A and T06/520A in Ballinskelligs Bay is not likely to affect the features of adjacent Natura 2000 sites.
Explain why these effects are not considered significant.	<p>There is no spatial overlap of the proposed aquaculture activity with Natura sites. In addition, there would be no interference with key relationships that define the function of the sites. The culture activities will not result in habitat loss, there will not be significant disturbance to key species and there will be no habitat or species fragmentation. There will be no direct discharge of pollutants into the environment and water quality will not be affected. Consequently, it is concluded that the culture of seaweed as it is proposed, the proposed aquaculture activities, individually or in-combination, do not pose significant risk to the conservation features of the adjacent Natura 2000 sites and as such do not require a full Appropriate Assessment.</p> <p>On the basis of the above it is considered that there will be <b><u>no significant effects</u></b> on the qualifying feature / interests' of the adjacent Natura 2000 sites.</p>
Who carried out the assessment?	Marine Institute, May 2020.

**Figure 1:** Location of aquaculture sites T06/519A and T06/520A in Ballinskelligs Bay and adjacent Natura 2000 sites. Ballinaskelligs Bay and Inny Estuary SAC (Site Code: 000335), Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365), Kenmare River SAC (Site Code: 002158), Deenish Island and Scariff Island SPA (Site Code: 004175), Iveragh Peninsula SPA (Site Code: 004154) and Puffin Island SPA (Site Code: 004003).

