



## AQUACULTURE LICENCES APPEALS BOARD

FISHERIES (AMENDMENT) ACT 1997 (AS AMENDED AND SUBSTITUTED)

Appeal Reference Number: **AP 17/2020**

### DETERMINATION

**WHEREAS** an appeal having been made to the Aquaculture Licences Appeals Board ("**the Board**") pursuant to Section 40 of the Fisheries (Amendment) Act, 1997 (as amended) ("**the Act**") by Crookhaven Fishermen's Association Ltd., c/o Jimmy Newman, ("**the Applicant and Appellant**") against the decision of the Minister for Agriculture, Food and the Marine ("**the Minister**") to Grant a Variation of Aquaculture Licence and Grant/Not Grant Licence Review to cultivate Scallops using cages on the seabed and to add the cultivation of native Green, Brown and Red Seaweeds using floating longlines on the subtidal foreshore on site ref T05/432B in Crookhaven Harbour, Co. Cork. ("**the Site**")

**AND WHEREAS** the Board in considering the appeals took account of the appeal, the file provided to it by the Minister, submissions received from EU LIFE Farm4More on 6 March 2020, Dr Nessa O'Connor, Associate Professor in Ecology and Marine Biology, Trinity College Dublin on 27 February 2020, Dr Fionnuala Murphy, Assistant Professor, School of Biosystems & Food Engineering University College Dublin on 6 March 2020, the report of the Board's technical advisor, the Section 47 Notice of 8 June 2021 and

response of 30 July 2021, the supplemental report of the Board's technical advisor and the matters set out at Section 61 of the Act (as amended and substituted), including the following:-

- (a) the suitability of the place or waters at or in which the aquaculture is or is proposed to be carried on for the activity in question,
- (b) other beneficial uses, existing or potential, of the place or waters concerned,
- (c) the statutory status, if any, (including the provisions of any development plan, within the meaning of the Local Government (Planning and Development) Act, 1963 as amended) of the place or waters,
- (d) the likely effects of the proposed aquaculture, revocation or amendment on the economy of the area in which the aquaculture is or is proposed to be carried on,
- (e) the likely ecological effects of the aquaculture or proposed aquaculture on wild fisheries, natural habitats and flora and fauna, and
- (f) the effect or likely effect on the environment generally in the vicinity of the place or water on or in which that aquaculture is or is proposed to be carried on-
  - (i) on the foreshore, or
  - (ii) at any other place, if there is or would be no discharge of trade or sewage effluent within the meaning of, and requiring a licence under section 4 of the Local Government (Water Pollution) Act, 1977, and
- (g) the effect or likely effect on the man-made environment of heritage value in the vicinity of the place or waters.

The Board considered the appeals at its meetings on the 31 January 2020, 26 February 2020, 19 March 2020, 22 April 2020, 15 May 2020, 8 October 2020, 1 April 2021, 29 April 2021, 28 May 2021, 24 June 2021, 22 July 2021, 19 August 2021, 21 September 2021 and 21 October 2021.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

The Board considered the proposed project was unlikely to have significant effects on the environment by virtue of its size, nature or location and so does not require an environmental impact assessment report. Therefore, the Board is satisfied that the direct and indirect effects of the proposed activity at the Site on the following factors:

- 1 human beings, fauna and flora;
- 2 soil, water, air, climate and the landscape;
- 3 material assets and the cultural heritage; and
- 4 the interaction between the factors referred to in 1- 3;

will not have significant effects on the environment, including the factors listed in 1-4, by virtue of, inter alia, its nature, size or location.

## **APPROPRIATE ASSESSMENT**

The Board noted the Screening Report supporting Appropriate Assessment of Aquaculture conducted in July 2019 for the proposed aquaculture activities within Crookhaven Harbour and Toormore Bay in relation to the surrounding Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) being Sheep's Head to Toe Head SPA (site code: 004156), Barley Cove to Ballyrisode Point SAC (site code: 001040) and the Roaringwater Bay & Islands SAC (site code: 000101) and concluded that an Appropriate Assessment is not required in this instance. Having considered all of the foregoing, the Board was satisfied that the proposed activity at the Site will have no potential for significant effects and it is not likely to have any significant deleterious effect, either individually, or in combination with other plans or projects, on SCI species or conservation objectives for the SPA and SAC sites concerned and as such, will not adversely affect the integrity of the SPA and SAC sites concerned either individually or in combination with other plans or projects.

## DETERMINATION

In reaching its determination on the appeal the Board noted and had regard to the following:

- the recommendations contained in the report and supplemental report of its Technical Advisors; and
- the Appropriate Assessment Screening Report listed under the previous heading, with their finding of no significant effects

and having done so, the Board determined the appeal on the basis of the following:

### Site Suitability

The Site is **not suitable for the intended purpose** for the following reasons:

1. The proposed deployment of longlines on the Site at the mouth of Crookhaven Harbour has the potential to significantly reduce the area for safe navigation into Crookhaven Harbour
2. The proposed scallop cages on the Site potentially poses a danger to navigation as obstacles on the seafloor in a narrow and relatively shallow channel.

### Other Uses

The proposed development will **potentially have a significant adverse impact on the possible other uses or users** of the area for the following reason:

1. The access route through the Crookhaven Harbour entrance will be significantly narrowed should the Site be licenced for seaweed long lines, therefore affecting all other users of the Harbour attempting to avail of the safe anchorage within the Harbour.

2. The proposed scallop cages on the Site potentially provides a danger to navigation as obstacles on the seafloor in a narrow and relatively shallow channel.
3. The proposed deployment of longlines on the Site at the mouth of the Harbour has the potential to significantly impact three private slipways and piers all of which have the potential to be have their access limited or potentially removed.

### Statutory Status

The proposed Site (in terms of uncontained bottom culture) would have **no significant detrimental impact** on the statutory status of the Harbour.

### Economic Impact

There is potential for a **negative effect** on the economy of the area for the following reasons:

1. The licensing of the Site has the potential to negatively impact on marine leisure and recreational activities, including sailing, within the Harbour and so could potentially reduce the number of incoming tourists/ marine leisure users to the area thereby potentially reducing seasonal income for local businesses.

There is potential for a **positive effect** on the economy of the area for the following reasons:

1. Through the provision of year-round employment, provision of local produce to local markets and indirectly through the provision and development of a long-term sustainable business providing investment capital to the region.

Ecological Impact:

Licensing of the Site will not have a significant impact on ecology of the area.

Environmental Impact:

Licensing of the Site will not have a significant impact on environment of the area.

Man-made Heritage:

Licensing of the Site will not have a significant impact on the man-made heritage of the area.

Having considered all the foregoing, the Board determined at its meeting on 21 October 2021 pursuant to Section 40 (4) (c) of the Act, by determining to uphold the decisions of the Minister to Grant a licence for Bottom Culture of Scallops only on the Sites.

Dated this 17 day of December 2021

The affixing of the Seal of the  
**AQUACULTURE LICENCES APPEALS BOARD**  
was authenticated by: -

  
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Imelda Reynolds

Chair

  
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Michael Sweeney

Deputy Chair