

Submission AGR 00580-18: Recommendation to Grant an Aquaculture Licence (T05/591A).

TO: Minister
STATUS: Completed
PURPOSE: For Decision

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

DIVISION: Coastal Zone Management
DECISION BY:

Final comment

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

Action required

Ministerial determination on Aquaculture/Foreshore Licensing Application (T05/591A).

Executive summary

The Minister's determination is requested please in relation to the application for an Aquaculture Licence from Wild Atlantic Sea Products Ltd, South Allihies, Allihies, Beara, Co. Cork for one site numbered T05/591A adjacent to Bank Harbour, Castletownbere, Bantry Bay, Co. Cork.

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

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

Detailed information

DECISION SOUGHT

The Minister's determination is requested please in relation to the application for an Aquaculture Licence from Wild Atlantic Sea Products Ltd, South Allihies, Allihies, Beara, Co. Cork for one site numbered T05/591A adjacent to Bank Harbour, Castletownbere, Bantry Bay, Co. Cork.

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

BACKGROUND

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

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

APPLICATION FOR AN AQUACULTURE LICENCE

An application for an Aquaculture Licence has been received from the applicant referred above (in conjunction with an application for a Foreshore Licence). The application is for the cultivation of seaweeds on a longline grid system in the sub-tidal part of the foreshore on one site totalling 18.75 hectares adjacent to Bank Harbour, Castletownbere, Bantry Bay, Co. Cork. (see **TAB A**).

LEGISLATION

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

CONSULTATION AND PUBLIC COMMENT

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

Technical Consultation

Marine Engineering Division: Stated no objection to the application.

Marine Survey Office: Stated no objection to this development from a navigational viewpoint providing there would be a 30 meter channel through the middle of the development and also to ensure access to and from the harbour at the western end of the development. The site was subsequently revised to include a 50 meter channel.

Sea Fisheries Protection Authority: Stated no objection to this application but highlighted that the entire area is "Scallop ground" and that navigation for scallop vessels is maintained on the landward side of the site by ensuring that all anchorage for the site be strictly confined to the licensed area and the site be adequately marked.

These concerns will be addressed by Licence conditions.

Statutory Consultation

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

Comments were received from the following bodies:

Marine Institute: No objection to the application but raised some concerns regarding the source of seed. This issue will be addressed in Schedule 4 of the Aquaculture Licence.

Commissioner of Irish Lights: Stated no objection to the application.

Cork County Council: Expressed concerns regarding the use of chemicals/antibiotics, operational conduct and disposal of waste. These issues will be covered by standard Licence conditions.

Inland Fisheries Ireland stated; *"IFI would suggest that the impact of the proposed cultivation on the the dependent food chain needs to be assessed in detail prior to a decision being made on the application. Additionally the impact of the proposed application needs to be considered in cumulative terms i.e the combined effect when added to any existing similar harvesting operations in Bantry Bay."*

It appears that IFI mistook this as an application for **harvesting** of seaweed, when in fact the application is for the **cultivation** of seaweed. Therefore there is no combined effect in relation to any harvesting of seaweed in Bantry Bay.

Department of Culture, Heritage and The Gaeltacht (DCH&G) raised no issues regarding Nature Conservation, but commented as follows in relation to the underwater archaeological perspective;

"Having considered the application, the Underwater Archaeology Unit (UAU) of the National Monuments Service requires further information in order to make an informed decision on the potential cultural impact of the proposed works. While the seaweed harvesting itself might not impact on the seabed or structure/object within it, the use of anchors, including their deployment and removal, could negatively impact known and previously unknown underwater archaeology, and in particular historic wrecks that are the subject of statutory protection under the National Monuments Acts 1987-2004. The Wreck Inventory of Ireland Database (WIID) held by the UAU has a record of a number of wrecks in the immediate area, including on Roancarrig Rocks. There is therefore a need to archaeologically assess the area in advance of the deployment of any anchors for the proposed seaweed harvesting farm. Our recommendations are thus:

- *The services of a suitably qualified and experienced underwater archaeologist shall be engaged to carry out the Underwater Archaeological Impact Assessment (UAIA) in advance of the works.*
- *The UAIA shall be licensed to this Department and shall comprise: desktop study that consults all relevant sources, including the WIID and Topographical Files of the National Museum of Ireland, dive survey licence to allow for inspection of the areas to be impacted by the proposed anchors and associated hand held metal detection survey to inform on any buried ferrous or non-ferrous structure or site.*
- *A detailed report shall be forwarded to the National Monuments Service for consideration and further response."*

An Archaeological Impact Assessment of Aquaculture sites in Bantry Bay was carried out by Bord Iascaigh Mhara on behalf of the Department and it found "nothing of archaeological potential" in relation to this proposed site T05/591A.

Public Consultation

The application was publicly advertised using a composite public notice covering aquaculture and foreshore elements in The Southern Star on 9th September, 2017. The application and supporting documentation were available for inspection at Bantry Garda Station for a period of 4 weeks following the publication in the newspaper.

There was **one objection** received from the public consultation process. The main concerns were as follows:

- Loss of shrimp fishing grounds.

- Safe access to and from Bank Harbour.

These concerns were considered and addressed.

A copy of all the observations/submissions received at the Public and Statutory consultation stages were forwarded to the applicant. In relation to the loss of fishing grounds the applicant stated that the long lines will be removed after the annual cultivation period as the method involves hauling the lines on board a vessel so therefore the site will be vacant for approximately five months.

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;

(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 adjacent to Bank Harbour, Castletownbere, which is not a Natura 2000 area. However, it is adjacent to a number of Natura sites. A screening matrix was carried out by our scientific advisors who considered that there will be no significant effects on the qualifying interests of the Natura sites.

(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 were raised regarding nature conservation or wild fisheries.

(f) the effect on the environment generally

*The Minister has already determined that an Environmental Impact Statement is not required for this project (See Declaration in **TAB B**).*

Department of Culture, Heritage and the Gaeltacht (DCHG) requested the carrying out of an underwater archaeological impact assessment prior to commencement of any aquaculture activity on the proposed site, as there is such an archaeological potential for the area.

An Archaeological Impact Assessment of Aquaculture sites in Bantry Bay was carried out by Bord Iascaigh Mhara on behalf of the Department and it found "nothing of archaeological potential" in relation to this proposed site T05/591A.

RECOMMENDATION

This application for an Aquaculture Licence has been subject to a rigorous examination and a positive recommendation is based on the best advice available.

Accordingly, it is recommended that the Minister:

- approves the granting of an Aquaculture Licence (**TAB C**) Wild Atlantic Sea Products Ltd, South Allihies, Allihies, Beara, Co. Cork, for a period of ten (10) years for the purpose of cultivation of seaweeds on a longline grid system in the sub-tidal part of the foreshore, in accordance with the terms and conditions of the attached Aquaculture Licence.

REASONS FOR THE 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 – T05/591A

Wild Atlantic Sea Products Ltd has applied for an Aquaculture and Foreshore Licence for the cultivation of seaweeds using a longline grid system, in the sub-tidal part of the foreshore on one site totalling 18.75 hectares adjacent to Bank Harbour, Castletownbere, Bantry Bay, Co. Cork.

The Minister for Agriculture, Food and the Marine has determined that it is in the public interest to grant the licences sought. In making his determination, the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997 and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with statutory provisions. The following are the reasons and considerations for the Minister's determination to grant 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; An unobstructed 50m channel must be maintained through the site to allow safe access and egress to Bank Harbour/Pier.
- c) The proposed development should have a positive effect on the economy of the local area;
- d) An EIA screening assessment was carried out and it concluded that the environmental impacts from the proposed activity will not

be significant. The reasons and considerations for the Minister's determination at EIA screening stage are available on the Department's website;

e) All issues raised during Public and Statutory consultation phase;

f) There are no effects anticipated on the man-made environment heritage of value in the area;

g) No significant effects arise regarding wild fisheries; Navigation for scallop vessels is maintained on the landward side of the site by ensuring that all anchorage for the site be strictly confined to the licensed area and the site be adequately marked.

h) The proposed aquaculture activities do not spatially overlap with Natura 2000 sites and there should be no significant impacts on the nearest Natura site(s). A screening matrix was produced and it showed no significant effects on the qualifying interests of the Natura sites;

i) The updated and enhanced Aquaculture and Foreshore licences contain terms and conditions which reflect the environmental protection required under EU and National law."

Submitted for approval, please.

Recommendation to grant a Foreshore Licence (T05/591A)

DECISION SOUGHT

The Minister's determination is requested please in relation to the application for a Foreshore Licence from Wild Atlantic Sea Products Ltd, South Allihies, Allihies, Beara, Co. Cork, for a site adjacent to Bank Harbour, Castletownbere, Bantry Bay, Co. Cork, in which it is proposed to conduct aquaculture.

BACKGROUND

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

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

APPLICATION FOR A FORESHORE LICENCE

An application for a Foreshore Licence has been received from the applicant referred to above (in conjunction with an Aquaculture Licence application), relating to the occupation of the foreshore associated with the Aquaculture Licence application which covers a 18.75 hectares site (numbered **T05/591A** see **TAB A**).

LEGISLATION

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

CONSULTATION AND PUBLIC COMMENT

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

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

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

Technical Consultation

Engineering Division: Stated no objection to the application.

Marine Survey Office: Stated no objection to this development from a navigational viewpoint providing there would be a 30 meter channel through the middle of the development and also to ensure access to and from the harbour at the western end of the development. The site was subsequently revised to include a 50 meter channel.

Public Consultation

The application was publicly advertised using a composite public notice covering aquaculture and foreshore elements in The Southern Star on 9th September, 2017. The application and supporting documentation were available for inspection at Bantry Garda Station for a period of 4 weeks following the publication in the newspaper.

There was **one objection** received from the public consultation process. The main concern was as follows:

- Loss of shrimp fishing grounds.
- Safe access to and from Bank Harbour.

A copy of all the observations/submissions received at the Public and Statutory consultation stages were forwarded to the applicant. In relation to the loss of fishing grounds the applicant stated that the long lines will be removed when cultivating the seaweed as the method involves hauling the lines on board a vessel so therefore the site will be vacant for approximately five months.

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.

The Minister is also obliged pursuant to Regulation 5 (2) of the Aquaculture (Licence application) Regulations, 1998 to consider on a case by case basis whether the proposed aquaculture is likely to have significant effect on the environment. An EIA Screening Assessment was carried out by the EIA Screening Group (comprising of technical experts and Department officials). The Minister has already determined that an Environmental Impact Statement is not required for this project (See Determination in **TAB B**).

RECOMMENDATION

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

approves the granting of a Foreshore Licence (**TAB D**) to Wild Atlantic Sea Products Ltd, South Allihies, Allihies, Beara, Co. Cork, for a site adjacent to Bank Harbour, Castletownbere, Bantry Bay, Co. Cork, for a period of ten (10) years for occupation of the site for the carrying out of aquaculture activities as defined in the Aquaculture Licence, and in accordance with the terms and conditions of the attached draft Foreshore Licence.

Submitted for approval, please.

Related submissions

There are no related submissions.

Comments

O'Keefe, Therese - 18/09/2018 15:09

Aquaculture and Foreshore Licences recommended for approval please.

Whelton, Batt - 18/09/2018 16:50

I agree with the recommendation that Aquaculture and Foreshore licences be granted to Wild Atlantic Sea Products Ltd for the cultivation of seaweeds using a longline grid system, in the sub-tidal part of the foreshore on one site totalling 18.75 hectares adjacent to Bank Harbour, Castletownbere.

Quinlan, John - 28/09/2018 14:02

Recommended for approval please.

Beamish, Cecil - 01/10/2018 14:52

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

Smith, Ann - 05/10/2018 10:14

Approved for submission to Minister. 05/10/2018 A.S.

Lennox, Graham - 05/10/2018 11:04

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

User details

INVOLVED: Fitzpatrick, Deirdre
O'Keefe, Therese
Whelton, Batt
Quinlan, John
Beamish, Cecil
eSub Ministers Office
eSub Minister

READ RECEIPT: Fitzpatrick, Deirdre
BTSSP-SC
O'Keefe, Therese
Whelton, Batt
Quinlan, John
Beamish, Cecil
Smith, Ann
Lennox, Graham