

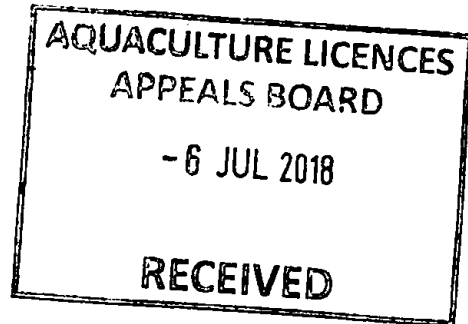


Department of
**Agriculture,
Food and the Marine**

Tailmheán Oifige
Bia agus Mara

05/07/2018

Ms. Mary O'Hara,
Aquaculture Licences Appeal Board,
Kilmnichy Court,
Dublin Road,
Portlaoise,
Co. Laois
R32 DTW5



Dear Ms. O'Hara,

I refer to appeals lodged with ALAB against the Minister's Decision to grant an Aquaculture and Foreshore licence to Dunmanus Bay Mussels Ltd. – our ref:T05/590, your ref: AP6/1-2/2018 and your letter of 22nd June 2018.

Please find below the schedule of documents in relation to this file:

1. Application for Aquaculture and Foreshore licence for T05/590
2. Site coordinates, area and layout
3. Supplementary Information and Environmental Report submitted by applicant with their application
4. Environmental Impact Assessment (EIA) Screening Document
5. Ministerial Determination in relation to requirement for Environmental Impact Statement
6. Submission to Minister for Aquaculture and Foreshore licences, including the reasons for the Ministers decision
7. Notification to applicant of Minister's decision
8. Publication of Ministerial decision in The Southern Star
9. Copy of Draft Aquaculture and Foreshore licences for T05/590
10. Overall aquaculture site map for Dunmanus Bay

Please contact me if you have any queries.

Yours sincerely

Jane O'Mahony
Aquaculture & Foreshore Management Division
National Seafood Centre
Clonakilty
Co. Cork
P85 TX47
Phone: 023-8859577
Email: jane.omahony@agriculture.gov.ie

(1)

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

*Application Form for an Aquaculture and Foreshore Licence for
a single specific site.*

*If a Licence is required for more than one site a separate
application form must be completed for each site.*

Important Note

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

A copy of an Environmental Impact Statement should be enclosed, if required, with all new, review and renewal applications. See Guidance Notes Section 3.

Aquaculture & Foreshore Management Division,
Department of Agriculture, Food and the Marine,
National Seafood Centre,
Clonakilty, Co. Cork
Telephone: (023) 8859500
Fax: (023) 8821782

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

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

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

USE BLOCK CAPITALS IN BLACK INK PLEASE

<p>For Office Use</p> <p>Application Ref. No. <u>75/51</u></p> <p>Date of Receipt (Dept. Stamp):</p>

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

PART 1: PRELIMINARY DETAILS

Applicant's Name(s)
1. Dunmanus Bay Mussels Ltd.
Address: Dromduff West, Bantry, Co. Cork
2.
Address:
3.
Address:
4.
Address:

Contact in case of enquiries (if different from above)	
Contact Name	Shane McCarthy
Organisation Name (if applicable)	Cronin Millar Consulting Engineers (Agent)
Address	Ivy Fort House 5 Cathedral Place Cobh Co. Cork

PART 1: PRELIMINARY DETAILS

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 type="checkbox"/> |
| (iv) Review of Aquaculture Licence | <input type="checkbox"/> |
| (v) Renewal of Aquaculture Licence | <input type="checkbox"/> |

TYPE OF AQUACULTURE *See Guidance Note 3.2*

Indicate the relevant type of application with a tick.

(i) **MARINE-BASED**

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

(ii) **LAND-BASED**

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

- (iii) **TRIAL LICENCE** Go to appropriate Parts as above and to Part 2.5.

PART 2: DETAILS RELATING TO THE PROPOSED AQUACULTURE

PROJECT

2.1 MARINE-BASED AQUACULTURE - FINFISH

When filling out this section refer also to 2.1A and Guidance Note 3.3 for information on Conditions and Documents required with this application type

Proposed Site Location

(i) Bay: _____

(ii) County: _____

(iii) OS Map No: _____

(iv) Co-ordinates of Site: (please specify coordinate reference system used e.g. Irish Grid (IG) or Irish Transverse Mercator (ITM) or Latitude/Longitude [in which case specify whether ETRS89 or WG84 etc.]

(v) Size of Site (hectares): _____

(vi) Species (common and scientific name): _____

(vii) Proposed source and strain of stock for use in the operation? _____

(NB Importation of smolts into the State or movement of smolts within the State requires notification to the Marine Institute as per the Fish Health Authorisation Regulations) (Refer to Guidance Notes Section 6 - Fish Health Authorisation)

(viii) Method of culture (e.g. nets, tanks, cages etc) _____

(ix) Number, type and shape, cubic capacity, depth of cages/tanks: _____

(x) Sea Cage characteristics (mesh size, net type) _____

(xi) Maximum stocking density within cages Biomass (per cubic metre) _____

(xii) Biomass per kg.– input in table below:

Species	Year 1	Year 2	Year 3	Year 4

2.1 Marine Based Aquaculture – Finfish (continued)

(xiii) Reasons for site selection: (refer to Environmental Impact Statement – EIS)

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

If yes give details.

(xv) Methods used to harvest the biomass and details of any subsequent processing of biomass

(xvi) Is the application accompanied by an Environmental Impact Statement (EIS) and/or an Integrated Pest Management Plan (where required)

Refer to Guidance Note 3.3.1 for information on the Environmental Impact Statement (EIS) and Guidance Note 3.3.2 for Integrated Pest Management Plan, which are to be included separately for this application.

See Part 2.1A for details of documentation to be included with this application type

2.1A DOCUMENTATION REQUIRED FOR MARINE-BASED FINFISH AQUACULTURE
(to be included separately with a Licence Application for a new site or for a renewal or review (if required)
of an existing Licence)

1. Environmental Impact Statement (EIS)

Regulation 5 of the Aquaculture (Licence Application) Regulations, 1998 (S.I. No. 236 of 1998) as amended provides that it is mandatory to submit an EIS with certain aquaculture licence applications. The Guidance Note, Section 3.3.1 gives information on the requirement to submit an Environmental Impact Statement.

2. Integrated Pest Management Plan (IPM)

An Integrated Pest Management (IPM) Plan for the control of sea lice infestations on salt water salmon farms must be established for the proposed application in compliance with the National Monitoring Protocol for Offshore Finfish Farms.

The Plan must be developed in conjunction and with the agreement of the Marine Institute (MI), and supporting correspondence from the MI must be attached to demonstrate this. The Guidance Note, Section 3.3.2 gives information on Integrated Pest Management Plans. The IPM Plan must contain the information as specified in Annex B of the Guidance Note.

3. 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)

4. 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.

5. The prescribed application fee (See Guidance Note Section 4)

6. 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.

7. If the applicant is a Co-operative, the Certificate of Incorporation and Rules of the Co-operative Society.

NOW COMPLETE PARTS 2.6, 3, 4 AND 5 PLEASE

2.2 MARINE-BASED SHELLFISH AQUACULTURE

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

Proposed Site Location

- (i) Bay: **Dunmanus Bay**
- (ii) County: **Cork**
- (iii) OS Map No: **CK 139**
- (iv) Co-ordinates of Site: (please specify coordinate reference system used e.g. Irish Grid (IG) or Irish Transverse Mercator (ITM) or Latitude-Longitude [in which case specify whether ETRS89 or WG84 etc.]

ITM

1) 485,662; 536,503

2) 486,781; 537,062

3) 486,875; 536,874

4) 485,756; 536,315

- (v) Size of Site (hectares): **26.25 hectare**

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

Mussels (**Mytilus Edulis**)

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

(viii) Please supply details of (a) source of seed e.g. wild hatchery and location and (b) means of collection and introduction to culture.

Natural Spat Collection on stockings

NB Importation of seed into the State or movement of seed within the State requires notification to the Marine Institute as per the Fish Health Authorisation Regulations. See Guidance Notes Section 6

(ix) Method of culture (rope, trestles – intensive; bottom – extensive; other) _

Rope

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

3 blocks of 6 No. 220m long longlines

(xi) Proposed Production Tonnage:

Year 1	0	Year 2	190	Year 3	250	Year 4	250	Year 5	250
--------	---	--------	-----	--------	-----	--------	-----	--------	-----

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

Sheltered location, close access to Durrus Pier.

(b) If using trestles please outline the physical characteristics of the site which make it suitable for using trestles

N/A

(xiii) Is it intended that the product is for direct human consumption or half grown? Please specify

Human Consumption

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

See Environmental Report appended to application

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

Yes No

If yes give details.

If **no** outline the reasons why you believe the site suitable for the proposed aquaculture, notwithstanding its location outside Designated Shellfish Waters Area?

Sheltered location, close access to Durrus Pier, good history of growth in Dunmanus Bay, applicant currently operates site in Inner Dunmanus Harbour, good environmental status.

(xvi) Has the area been classified under Food Safety Legislation? (For Bivalve Molluscs) What is the current classification of the area for the proposed species applied for?

Yes, Mussels, B (Classified Bivalve Mollusc Production Area in Ireland)

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

No

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

If yes please give full details.

No

(xix) Methods used to harvest the shellfish and details of any subsequent processing of shellfish
See Environmental Report appended. No processing will occur.

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

N/A

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

Asterias Vulgaris (sea stars), Nucella lapillus (dog whelk), jellyfish, fish larvae.

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

Active monitoring, bottom of roes (droppers) will be an adequate distance from the sea bed

See Part 2.2A for details of documentation to be included with this application type

**2.2A DOCUMENTATION REQUIRED FOR MARINE-BASED SHELLFISH
AQUACULTURE**

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

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

NOW COMPLETE PARTS 2.6, 3, 4 AND 5 PLEASE

**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: _____
- (ii) County: _____
- (iii) OS Map No: _____
- (iv) Co-ordinates of Site: (please specify coordinate reference system used e.g. Irish Grid (IG) or Irish Transverse Mercator (ITM) or Latitude/Longitude [in which case specify whether ETRS89 or WG84 etc.]

- (v) Size (hectares): _____

- (vi) Species (common and scientific name): _____
- (vii) What is the source of plantlet? _____
- (viii) Cultivation Method? _____
- (ix) Proposed total number of lines/ropes _____

(x) Proposed Production:

Year 1	Year 2	Year 3	Year 4	Year 5

- (xi) Reasons for site selection: _____

- (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:

- (xiii) Methods used for harvesting. _____

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

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? _____

(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

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 or review 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.
3. **The prescribed application fee (See Guidance Note Section 4)**
4. **If the applicant is a limited Company within the meaning of the Companies Act 1963, as amended, the Certificate of Incorporation and Memorandum and Articles of Association**
5. **If the applicant is a Co-operative, the Certificate of Incorporation and Rules of the Co-operative Society**
6. **Environmental Impact Statement (if required) in certain cases- See Guidance Notes Section 3.3.1**

NOW COMPLETE PARTS 2.6, 3, 4 AND 5 PLEASE

**2.4 LAND-BASED AQUACULTURE – FINFISH, SHELLFISH,
AQUATIC PLANTS & AQUATIC FISH FOOD**

When filling out this section refer to 2.4A and Guidance Note 3.3 for information on
Conditions and Documents required with this application type

Proposed Site Location

(i) Full address of Townland: _____

(ii) County: _____

(iii) OS Map No: _____

(iv) Co-ordinates of Site: (please specify coordinate reference system used e.g. Irish Grid
(IG) or Irish Transverse Mercator (ITM) or Latitude/Longitude [in which case specify
whether ETRS89 or WG84 etc.]

(v) Size of Site (hectares): _____

(vi) Species (common and scientific name): _____

(vii) Proposed source of stock for use in the operation? _____

NB Importation of ova, fry, parr, smolts or seed into the State or movement of ova, fry, parr, smolts or seed within the State requires
notification to the Marine Institute as per the Fish Health Authorisation Regulations. (Refer to Guidance Notes Section 6 – Fish Health
Authorisation.)

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

Please state the number and cubic capacity of holding facility

(ix) Proposed Annual Production: _____

(x) Reasons for site selection: _____

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

If yes give details _____

(xii) Source of water supply: _____

~~(xiii) Estimate dry weather flow (if applicable) of water source in litres/second:~~

~~(xiv) Is recirculation of water proposed within the development? **YES/NO**~~

~~If YES provide details of the proposed recirculation system (including water treatment and waste stream components) and describe the % recirculation of source water involved and the target quality criteria thresholds proposed for recirculation of water in the proposed system.~~

~~(xv) Are there any possible sources of pollution upstream of the site e.g. discharge from sewage plant, stormwater runoff, farmyard, sheep dip facility, silage effluent, quarry, sandpit or factory?
YES/NO~~

~~If YES please identify:~~

See Part 2.4A for details of documentation to be included with this application type

2.4A DOCUMENTATION REQUIRED FOR LAND-BASED AQUACULTURE

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

1. Environmental Impact Statement (EIS), if required

Regulation 5 of the Aquaculture (Licence Application) Regulations provides that it is mandatory to submit an EIS with certain aquaculture licence applications. The Guidance Note, Section 3.3.1 gives information on the requirement to submit an Environmental Impact Statement.

2. Water Quality Analysis Report.

The Guidance Note, Section 3.3.3 gives information on Water Quality Analysis Report. The Water Quality Analysis Report must contain information as specified in Annex A of Guidance Note.

3. Decision of Planning Authority under the Planning Acts

(See Guidance Note 3.3.3)

4. Copy of Licence under Section 4 of the Local Government (Water Pollution) Act, 1977 – Effluent Discharge Licence

(See Guidance Note 3.3.3)

5. An appropriate Ordnance Survey Map (recommendation is a map to the Scale of 1:10,000 /1:10,560, i.e, the equivalent of a six inch map) showing the location of the site marked in red on which the project will be located

6. A sketch of the layout of the site in relation to the river(s), road(s) and building(s)

7. Scale drawing of the structures to be used and the layout of the farm in relation to river(s), road(s), and building(s). (recommended scales normally 1:100 for structures and 1:200 for layout)

8. The prescribed application fee (See Guidance Note Section 4)

9. 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

10. If the applicant is a Co-operative, the Certificate of Incorporation and Rules of the Co-operative Society

11. Alien Species dossier (where required) – See Guidance Notes 3.3.1

Please note that the following conditions must be met in order to allow for consideration of licensing of land-based aquaculture:

- The buildings and equipment must be put in place to the Department's satisfaction
- The operation must comply with Local Authority requirements
(See Guidance Note 3.3.3)

NOW COMPLETE PARTS 2.6, 3, 4 AND 5 PLEASE

2.5 TRIAL LICENCE APPLICANTS ONLY
(To be completed if appropriate)

(See Guidance Note: 3.1(ii))

(i) Describe experimental or investigative nature of the proposed project:

(ii) Outline how performance will be assessed:

(a) Stock

(b) Environmental

[Use separate page if required - all additional pages to be signed and dated]

**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:

Dunmanus Bay Mussels have been in operation for 9 years. Applicants operate similar sites in Inner Dunmanus Bay and Bantry Bay. Directors have over 20 years' experience operating in aquaculture development and management.

- (ii) If a new application please provide details of projected employment creation during first four years of the proposed aquaculture project:
- ~~(iii) In the case of a renewal please provide current and future details:~~

The proposed development will create 3 jobs during the five week construction phase.

Employment levels will vary during the operational phase. Greatest employment will be created during thinning and harvesting phases.

FULLTIME JOBS

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

PART TIME JOBS

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

CONFIDENTIAL

PART 3: APPLICANT DETAILS

PART 3 A. INDIVIDUAL(S)/SOLE TRADER(S)

(If necessary continue with extra page(s))

1. Name: _____

Personal Public Service No. _____

Date of Birth: _____

Telephone No. _____

Mobile No. _____

E-mail Address _____

2. Name: _____

Personal Public Service No. _____

Date of Birth: _____

Telephone No. _____

Mobile No. _____

E-mail Address _____

3. Name: _____

Personal Public Service No. _____

Date of Birth: _____

Telephone No. _____

Mobile No. _____

E-mail Address _____

4. Name: _____

Personal Public Service No. _____

Date of Birth: _____

Telephone No. _____

Mobile No. _____

E-mail Address _____

PART 3 B. PARTNERSHIP

Partnership Name: _____

Please list names, addresses, and Personal Public Service No.'s of partners:

Partner 1: Name and Address _____

Personal Public Service No. _____

Date of Birth: _____

Partner 2: Name and Address _____

Personal Public Service No. _____

Date of Birth: _____

Partner 3: Name and Address _____

Personal Public Service No. _____

Date of Birth: _____

Partner nominated for contact purposes: _____

Full Name: _____

Address: _____

Phone No. _____

Mobile No. _____

E-mail Address: _____

PART 3 C. CO-OPERATIVE

Co-operative Name: _____

Address: _____

Co-operative Registered No. _____

Is this Co-operative a limited company within the meaning of the Companies Act 1963 (as amended)? Yes _____ No _____

If Yes complete Part 3D only

VAT No. _____

Phone No. _____

Mobile No. _____

E-mail Address: _____

Please list below the names and Personal Public Service No's of the Board of Directors/Committee of Management of the Co-operative

Name: _____ Personal Public Service No. _____

Name: _____ Personal Public Service No. _____

Name: _____ Personal Public Service No. _____

Name: _____ Personal Public Service No. _____

Please list below the names and Personal Public Service No.'s of the Members of the Co-op and the percentage shareholding held in each case

Name: _____ Personal Public Service No. _____

% Shareholding: _____

Name: _____ Personal Public Service No. _____

% Shareholding: _____

Name: _____ Personal Public Service No. _____

% Shareholding: _____

Name: _____ Personal Public Service No. _____

% Shareholding: _____

PART 3 D. LIMITED COMPANY

Company Name: **Dunmanus Bay Mussels Ltd.**

Address: **Dromduff West, Bantry, Co. Cork**

Company Registered No. (CRO No.) [REDACTED]

VAT No. [REDACTED]

Phone No. [REDACTED]

Mobile No. [REDACTED]

E-mail Address: [REDACTED]

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

Name: **Brian Murnane** Personal Public Service No. [REDACTED]

Name: **Paudie Murnane** Personal Public Service No. [REDACTED]

Name: _____ Personal Public Service No. _____

Name: _____ Personal Public Service No. _____

Please list below the names and Personal Public Service No.'s of the Shareholders in the Company and the percentage shareholding held in each case

Name: **Brian Murnane** Personal Public Service No. [REDACTED]

% Shareholding: [REDACTED]

Name: **Paudie Murnane** Personal Public Service No. [REDACTED]

% Shareholding: [REDACTED]

Name: _____ Personal Public Service No. _____

% Shareholding: _____

Name: _____ Personal Public Service No. _____

% Shareholding: _____

PART 3E DETAILS FOR CONTACT IF DIFFERENT FROM APPLICANT(S)







Contact in case of enquiries



Contact Name	Shane McCarthy
Organisation Name (if applicable)	Cronin Millar Consulting Engineers (Agent)
Address	Ivy Fort House 5 Cathedral Place Cobh Co. Cork
Telephone No.	021 4815441
Mobile No.	
E-mail Address	shanemccarthy@cmce.ie

CONFIDENTIAL

PART 4: FINANCE AND MARKETING

PART 4 A. FINANCE

- 1.(a) If new application give cost of project (total capital and current costs as at 7 and 8 below): 
- (b) If renewal give projected costs for 4 years: €-
2. How will this project be financed (own resources and any other sources)? 
3. Will this project be your only source of employment / income? 
4. If not, give details: 
5. Do you intend to apply for grant aid or other funding from any State source (BIM, Udarás na Gaeltachta, FORFÁS, etc.)? 
6. If yes, give details 
7. Proposed capital costs of project, including navigation marks and lighting.

Item	Cost €
Barrels	
32mm diameter headrope	
40mm diameter anchor rope	
Tail Ropes	
Anchor Chain	
Anchor Blocks	
Navigation Buoys	
Miscellaneous Items	
Labour	
Boat	
Surveyor	
Professional Fees	
New Zealand Rope	
Spanish Rope	
Total:	

PART 4 A. FINANCE (continued)

8. Proposed non-capital costs of project (i.e. seed, feed, labour, etc.):

Item	Cost €
Labour	[REDACTED]
Professional Fees	[REDACTED]
Repairs	[REDACTED]
Biodegradable Cotton Socks	[REDACTED]
	Total: [REDACTED]

9. Provide an estimate of the value of production over the first (next if renewal) four years based on projected annual production:

Year 1: [REDACTED] Year 2: € [REDACTED] Year 3: [REDACTED] Year 4: [REDACTED]

10. How many years from the start of the project will it be before you "break even", i.e. your income equals your expenditure?

4 years

11. Give an estimate of profitability in the longer term, e.g. (5 to 10 years): [REDACTED]

12. If this application relates to a new site, please set out below the projected production plan to full production by quantities on an annual basis showing stock inputs, growth and harvest production

Year 1: natural spat collection, 0 tonnes harvested
 Year 2: growth to 190 tonne harvesting
 Year 3 and on: growth to 250 tonne harvesting

~~13. If this application relates to an existing site, please set out below the production by quantities on an annual basis for the last 4 years showing stock inputs, growth, survival rates and harvest production~~

CONFIDENTIAL

PART 4 B. MARKETING

1. Have possible markets been considered, or has market advice for products been sought?

YES NO

2. If yes, give details:

[REDACTED]

3. Will the product be processed or packaged?

YES NO

4. If yes, give details:

[REDACTED]

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
1	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)	✓		
2	Scale drawing of the structures to be used and the layout of the farm (recommended scales normally 1:100 for structures and 1:200 for layout)	✓		
3	The prescribed application fee	✓		
4	Environmental Impact Statement (EIS), if required			✓
5	Water Quality Analysis Report, if appropriate			✓
6	Decision of Planning Authority under the Planning Acts, if required			✓
7	Copy of Licence under Section 4 of the Local Government (Water Pollution) Act, 1977 – Effluent Discharge, if required			✓
8	If the applicant is a limited Company within the meaning of the Companies Act 1963, as amended, a copy of the Certificate of Incorporation and Memorandum and Articles of Association.	✓		
9	If the applicant is a Co-operative, a copy of the Certificate of Incorporation and Rules of the Co-operative Society			✓
10	Integrated Pest Management Plan, if required			✓
11	Alien Species documentation, if required.			✓

PART 5: APPLICATION DOCUMENTATION

The following documents are enclosed with this application:

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

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9	If the applicant is a Co-operative, a copy of the Certificate of Incorporation and Rules of the Co-operative Society			✓
10	Integrated Pest Management Plan, if required			✓
11	Alien Species documentation, if required.			✓

PART 5: DECLARATION AND SIGNING

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

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

I We hereby declare the information provided in Parts 1, 2, 3 and 4 above to be true to the best of my/our knowledge. I/We enclose an application fee* of €95.23 with this application.

Signature(s) of Applicant(s):
(Please state capacity of persons signing on behalf of a Company/Co-op)



**Brian Murnane,
Director, Dunmanus Bay Mussels Ltd.**

Date: **28 November 2013**

**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**

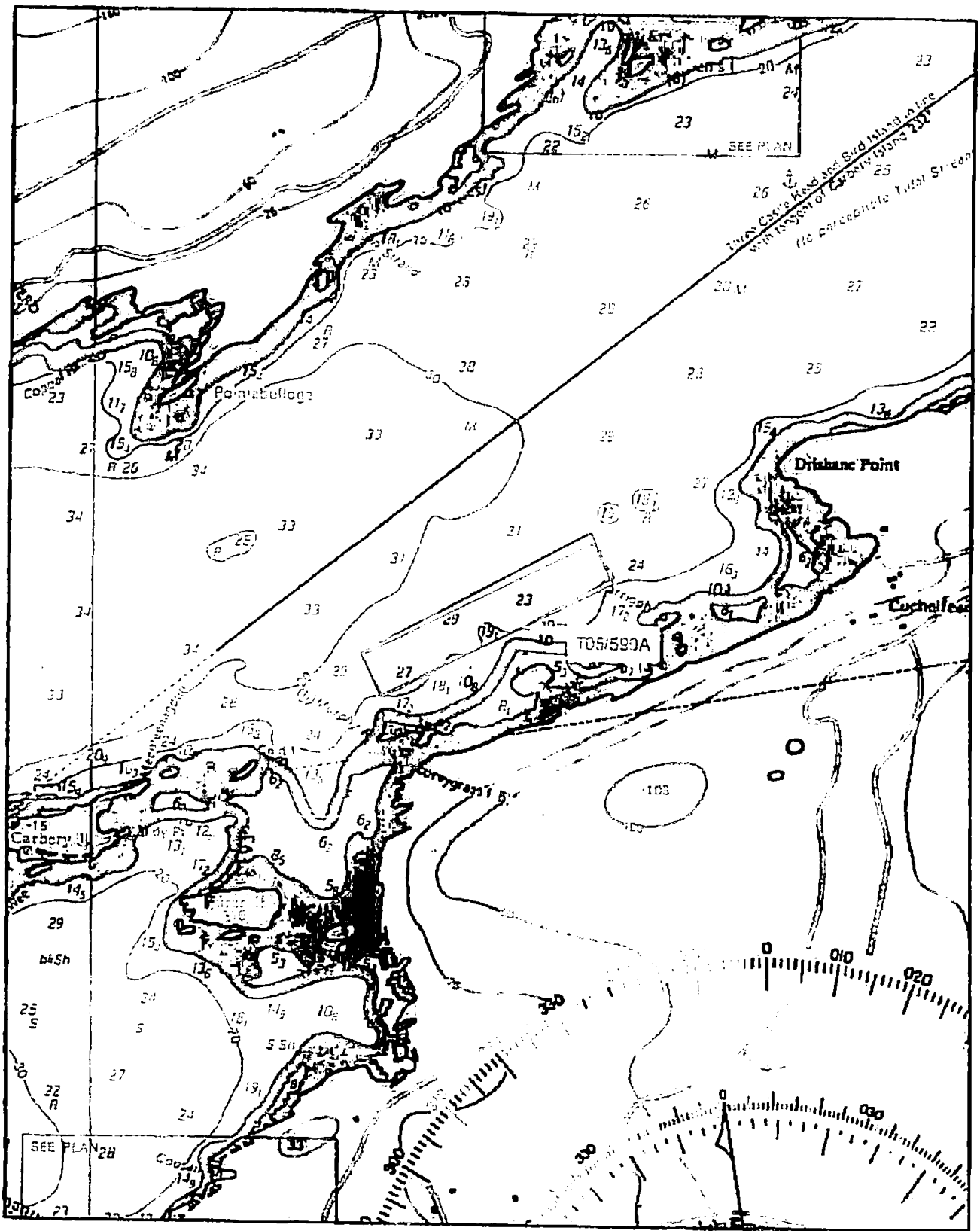
1 NO. SITE AT DUNMANUS BAY CO.CORK

Co-ordinates & Area

Site T05/590A (26.3 Ha)

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

- 085688, 036433 to Irish National Grid Reference point
- 086807, 036992 to Irish National Grid Reference point
- 086901, 036804 to Irish National Grid Reference point
- 085782, 036245 to the first mentioned point.

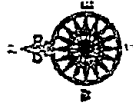


1:24,000

Sites highlighted in red denotes Application
 Part of Admiralty Chart No 2552-0
 Not to be used for Navigation

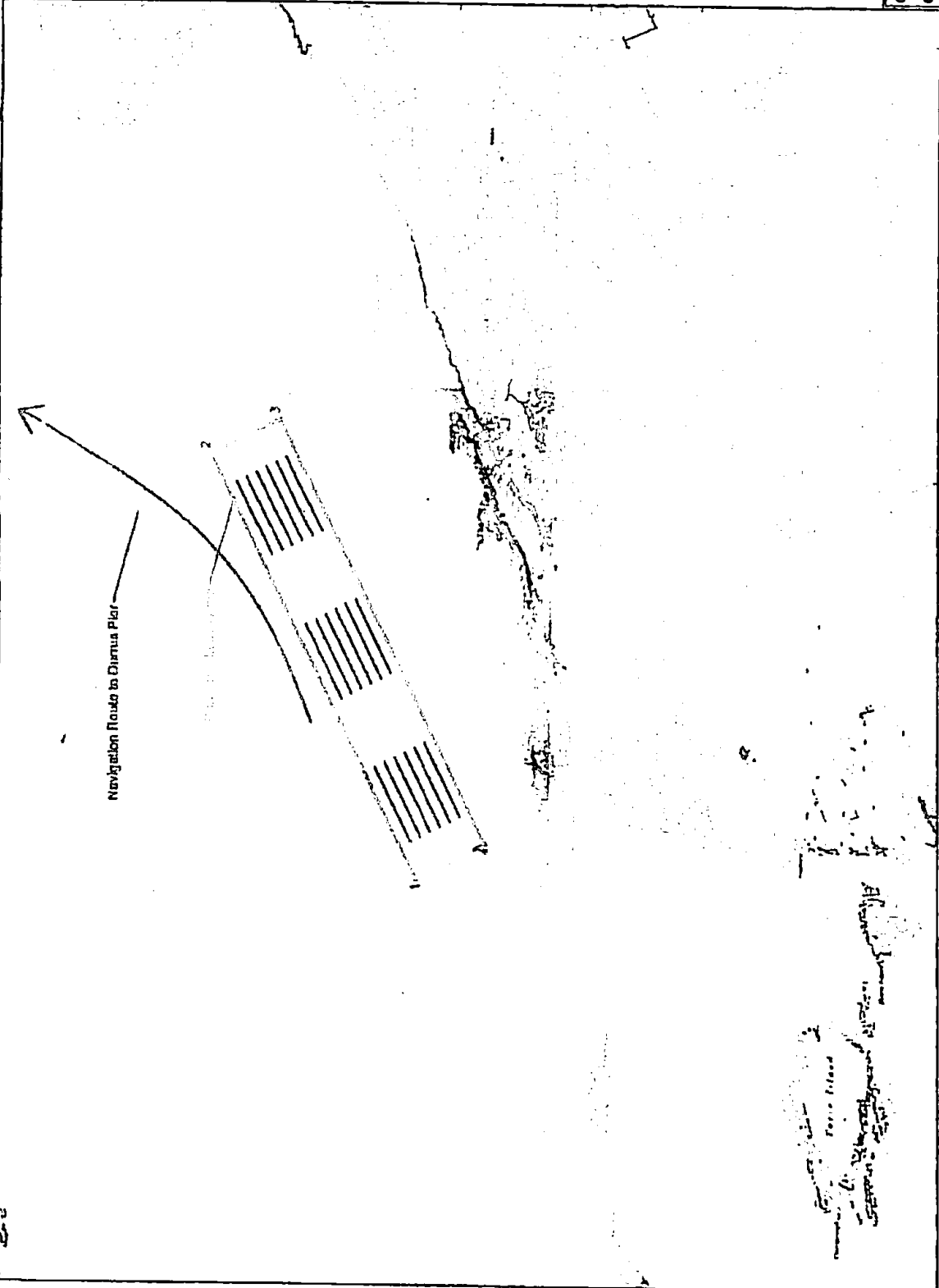
AGENZIE
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 SIA, SIA

Minister for
 Agriculture,
 Food and the Marine
 & P. M.
 Talmhaíochta,
 Bia agus Mara



Notice:
 Map Sheets: C11 130
 Scale: 1:10,660
 Site Area: 28 25 Ha
 Lease Area Co-Ordinates (ITM)
 1) 485,602; 839,603
 2) 486,781; 637,002
 3) 480,876; 539,874
 4) 485,759; 639,319

Ordnance Survey Ireland Licence No. E11 008110
 © Ordnance Survey Ireland/Government of Ireland



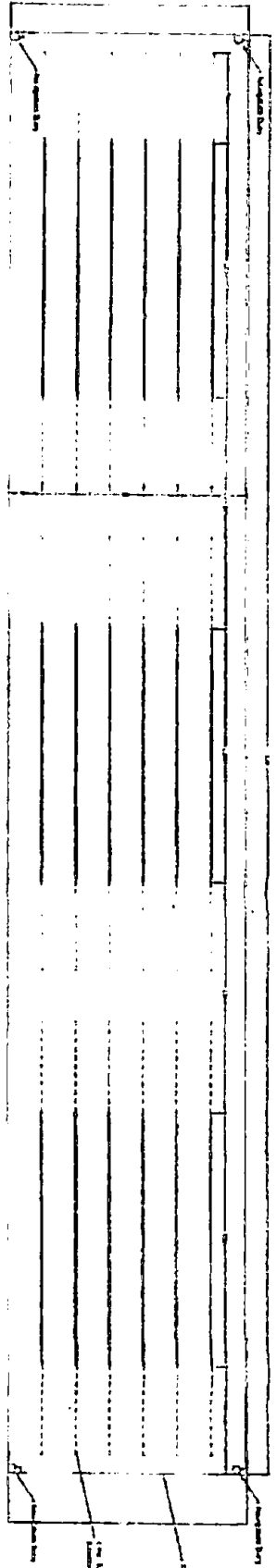
Title: 1:10,660 Location Map	
Scale: 1:10,660	Sheet Size: A3
Drawn By: GMC	Checked By: AC
Drawn No: C130/VI	Revised: A

Client: Dúnua Bay Mussels	
Project: Mussel Farm Development	
Aquaculture Application	

Project	AC	Checked
Drawn	GMC	Checked
Date	08/03/13	
File	08/03/13	
Project	A	
Project	Aquaculture	
Project	Mussel Farm Development	

This drawing is to be read in conjunction with all other C11 & C130 sheets and any other relevant information.
 No dimensions are to be taken from this drawing.
 Unless noted otherwise, all dimensions are in millimeters and all lengths are to nearest 0.1m unless stated otherwise.
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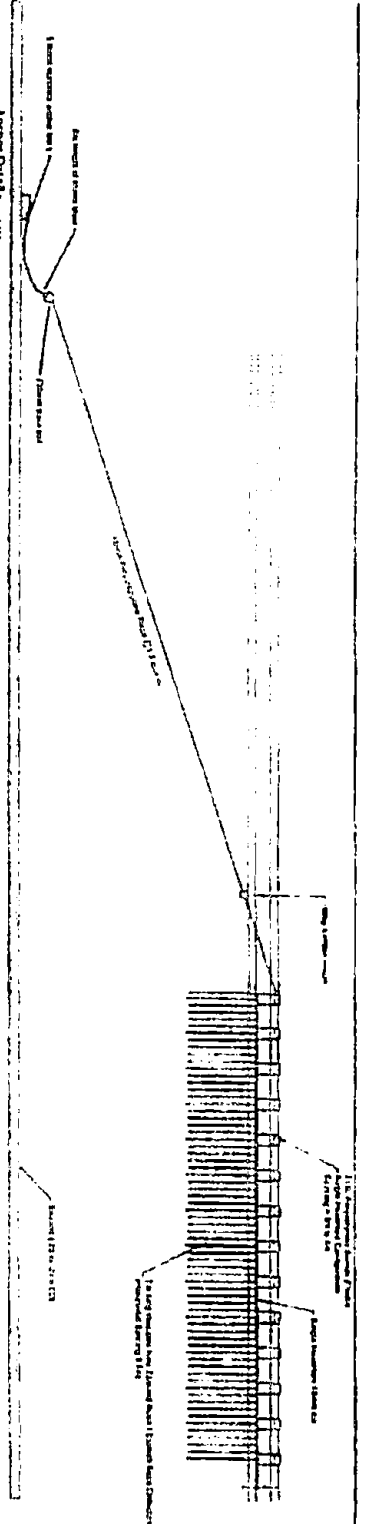
Cronin Millar Consulting Engineers
 Chartered Engineers
 1st Floor
 11, Colindale Avenue
 Colindale, London NW9 1NS
 Tel: 020 811 4444
 Fax: 020 811 4444
 Email: info@croninmillar.co.uk
 Website: www.croninmillar.co.uk



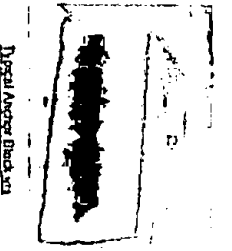
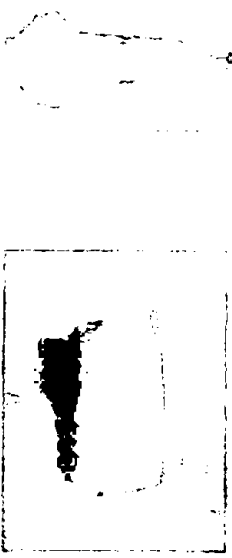
Plan View



Side Elevation



Section Detail



12' High Concrete Lined Canal
12' High Concrete Lined Canal
12' High Concrete Lined Canal

12' High Concrete Lined Canal
12' High Concrete Lined Canal
12' High Concrete Lined Canal

1. This drawing is a plan view of the canal structure.
2. The structure is to be constructed of concrete.
3. The structure is to be constructed of concrete.
4. The structure is to be constructed of concrete.
5. The structure is to be constructed of concrete.

15/592

NO.	DESCRIPTION	UNIT	QUANTITY	PRICE	TOTAL
1	Concrete Lined Canal	sq ft	1000	10.00	10000.00
2	Concrete Lined Canal	sq ft	1000	10.00	10000.00
3	Concrete Lined Canal	sq ft	1000	10.00	10000.00
4	Concrete Lined Canal	sq ft	1000	10.00	10000.00
5	Concrete Lined Canal	sq ft	1000	10.00	10000.00

Corwin Miller

Demarcus Day (Human ID)
Moguel Farm Associates Limited
Application
Lopez, Ryan, Siskens & Davis

DATE	11/11/11
TIME	11:11
BY	11/11/11
NO.	11/11/11

Therap on Quey District

Tropal Rural District

Discal Average District

Dunmanus Bay Mussels Ltd

Aquaculture Licence Application

**Supplementary Information
and Environmental Report**

Date 06 December 2013

Job No. C136

Client Dunmanus Bay Mussels Ltd

Cronin Millar

T 3/5

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Revision Control Table & Document History Record

Rev.	Date	Description & Reason for Issue	Orig.	Chkd.	App.
1	06/12/2013	Aquaculture Licence Application	SMC	AC	AC

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1.0 INTRODUCTION

It is Irish Government policy to support the growth and development of aquaculture as a sustainable, reliable food production industry. Food Harvest 2020 sets an ambitious target of increasing aquaculture volume production by 78% by 2020. This is a difficult target to realise due to the current constraints associated with EU Conservation Directives

Dunmanus Bay Mussels Ltd. proposes to install and operate a mussel farm in Dunmanus Bay Co. Cork, in the body of water between Carbery Island and Drishane Point. The installation and operation of this farm will require an Aquaculture Licence from the Department of Agriculture Food and the Marine (DAFM) under the Fisheries Act 1997 and relevant Statutory Instruments. The proposed licenced site will incorporate an area of approximately 26.25 hectares.

1.1 Environmental Impact Assessment

A full Environmental Impact Assessment (EIA) is not required for this development, as it falls below the thresholds as outlined in the relevant planning and fisheries legislation.

It is also very unlikely that the competent authority will require a full EIA due to the fact that the development site does not fall within any sensitive designated areas and is relatively minor in scale.

For the purposes of a more complete aquaculture licence application, this report has been created to provide supplementary environmental information. Various environmental categories are examined, the impacts therein assessed and mitigation measures are proposed where required.

1.2 Application History

Dunmanus Bay Mussels previously applied for an aquaculture licence for this site, for which DAFM issued a Notice of Ministerial Decision to Grant an Aquaculture Licence and Companion Foreshore Licence on 20 December 2011 (Ref. T5/503). This notice was appealed by Third Parties to the Aquaculture Licence Appeals Board (ALAB) and their appeal was upheld by ALAB.

This revised application is for a slightly modified, smaller site. The concerns of the appellants and ALAB's Technical Advisor have been considered in the re-design of the proposed site and the preparation of the application documentation. In particular it is noted that ALAB's Technical Advisor recommended that further investigations were required, with an appropriate extension of time, to consider the decision fully. ALAB refused the licence outright. It is also worth noting that all the DAFM advisors and consultees recommended granting of the licence, including the EIA Pre-Screening Expert Panel.

1.3 Site Selection

In our opinion, supported by relevant technical assessment data, this site is wholly suitable for the location and operation of a suspended rope mussel culture facility. As outlined in this report and relevant application documentation, the operation will not have any significant impact on the environment in Dunmanus Bay. Pre consultations with the relevant statutory bodies have helped to determine the size, location and type of proposed aquaculture operation.

2.0 PHYSICAL ENVIRONMENT

The proposed site is located between Carbery Island and Drishane Point, in Dunmanus Bay, west Cork. The site is located approximately 7 miles south west of the village of Durrus along the southern coastline of the bay

2.1 Tidal Levels

The tidal levels in Dunmanus Bay are outlined in Table 1 below.

Tide	MLWS	MLWN	MHWN	MHWS
Level (CD)	+3.40m	+2.60m	+1.10m	+0.40m

Table 1 Tidal Levels in Dunmanus Bay

2.2 Sea Bed

The sea bed at the site of the proposed development is rocky with some areas of cobbles and gravels.

A hydrographic survey was carried out at the site of the proposed development. The sea bed level varies between -15m and -30m CD. The survey drawing is enclosed in the Appendix of this report.

2.3 Currents

A study of current flows in Dunmanus Bay was carried out by Hydrographic Surveys Ltd. The result of this analysis is enclosed in the Appendix of this report

The survey was carried out on 19/10/2012. The predicted tide levels on that date were as outlined in Table 2.

Tide	LW	HW	LW	HW
Level (CD)	+0.30m	+3.40m	+0.30m	+3.20m
Time	01:38	07:46	14:04	20:11

Table 2 Tidal Levels in Dunmanus Bay on 19 October 2012

Currents were surveyed at the west and east extremities of the site. In general, current velocities decreased with depth. Table 3 below summarises the results recorded on the day of surveying.

Point	CM 01 (West)	CM 02 (East)
Ebb Tide Average Current	0.13m/s (0.25 knots)	0.20m/s (0.40 knots)
Ebb Tide Average Direction	185° (south)	56° (north east)
Flood Tide Average Current	0.09m/s (0.18 knots)	0.12m/s (0.23 knots)
Flood Tide Average Direction	192° (south)	162° (south)

Table 3 Tidal Levels in Dunmanus Bay on 19 October 2012

It is estimated that the currents at the site may be 50% lower during neap tides.

2.4 Waves

Detailed wave modelling has not been carried out at this site

It is anticipated (based on surveys at similar bays in west Cork) that extreme wave heights in the area could reach up to 3.5m. These waves would originate as offshore swells propagating Dunmanus Bay from west to east. It may be assumed that some local protection is provided by Carbery Island and Furze Island.

2.5 Wind

A design wind speed of 25.2m/s (1 hour wind duration, 50 year return period) shall be used. This is based on BS 6399-2.

2.6 Foreshore Inspection

The intertidal foreshore adjacent to the proposed site comprises of steep rock outcrops.

2.7 Aquaculture Sites

There are a number of other aquaculture sites located in Dunmanus Bay. They are located primarily in the Inner Dunmanus Bay area. The applicant successfully operates a number of these sites.

3.0 NATURAL HABITATS

As part of the Habitats Directive Screening Report a literary review and on-site observations were carried out to determine natural habitats that may be affected by the proposed development.

3.1 Birds

It was found that the habitats in the vicinity of the proposed mussel farm were unsuited for nesting for peregrine falcons and chough. The skerries at Carrigphillip and Mucklagh Rocks may be suited for nesting by Artic Terns. Full details of the findings are contained with the relevant report.

3.2 Cetaceans – Harbour Seals (Phoca Vitulina)

According to National Parks and Wildlife Service "*Harbour Seal Population Monitoring 2009-2012 Report No. 1*" a maximum of 34 No. harbour seals were counted in Dunmanus Bay. The principal sites for Harbour seals were found in the inner reaches of the bay at Carraigphillip and Mucklagh Rocks. In recent years 27 and 29 Harbour seals were recorded on 15th Sept 2007 and 18th Sept 2008 respectively. Full details of the findings are contained with the relevant report.

3.3 Otters

There is likely to be considerable otter activity in the general vicinity of the proposed farm, although this activity is likely to occur along the shallower shoreline. The closest otter holt is likely to be on Hoyt Island, which is approximately 700m from the proposed farm. The mussel farm is unlikely to create any disturbance to the otter community.

3.4 Scallops & Nephrops

The Screening Report identified that the seabed at the site had a poor species community. It identified Nephrops as the dominant species. It is anticipated that the Nephrops will feed on the mussel pseudo faeces.

It is possible that there is some limited scallop fishing in the vicinity of the proposed farm. The applicant is willing to facilitate the continuation of scallop fishing within the boundaries of the proposed licence area, subject to agreement. This accommodation currently exists in inner Dunmanus Harbour, whereby Dunmanus Bay Mussels Ltd. allow, by agreement, local fisherman to fish between the lines of their existing mussel farms.

3.5 Biotoxology

The Marine Institute carries out weekly inspections of toxin levels in various sites around Ireland, including Dunmanus Bay. They monitor toxin levels in waters, to ensure that the levels are below a minimum threshold before shellfish are harvested. This ensures that the aquaculture products are safe for human consumption. It is expected that this practice will be extended to outer Dunmanus Harbour after the farm is established.

4.0 EXISTING RESOURCES

A number of existing natural and manmade resources are found in the location of the proposed development.

4.1 Adjacent Land Resources

The site is located immediately north and west of the town lands of Cashelfean and Kilcomane. The land primarily comprises agricultural land and areas of overgrown gorse. There are approximately 20 No. houses within 1km of the proposed site.

4.2 Road Network

The land south of the proposed development site is accessed via the R591 road from Durrus. A number of narrow, third class roads are also found in the locality. Farm operations will not use these roads. Access to the proposed site will be by water from Durrus Pier.

4.3 Adjacent Intertidal Foreshore Resources

The intertidal foreshore comprises primarily rocky outcrops. There is a small pier located in Drishane to the south of the proposed site. Access to the pier from the water is tidally dependant. The pier is occasionally used by local, small scale inshore fisherman. The development will not have any impact on the pier or pier users.



Image 1 Pier at Drishane

A small strand is located east of the site, adjacent to the pier. This beach may be used for occasional bathing and as an area for the launching and recovery of small boats and dinghies.

This area is not listed as a bathing area in the current Cork County Development Plan or the Bantry Local Area Plan. Cork County Council's *"Marine Leisure Infrastructure Strategy for West Cork"* (January 2008) states that there is limited leisure usage at Kilcomane. It further states that the primary use is for *"fishing"*.



Image 2 Strand at Cashelfean

4.4 Adjacent Water Resources

Dunmanus Bay is used for small scale fisheries and some leisure boating. Piers at Ahakista and Durrus are used for access to the bay. There are a number of licenced aquaculture sites operational in Dunmanus Bay Inner.

The area occupied by the site of the proposed development is used, on an ad hoc basis, by inshore fishermen. The applicant, Dunmanus Bay Mussels, is willing to accommodate inshore fisherman to continue to fish the area after the farm is installed. This arrangement currently exists and works well between the applicant and inshore fishermen at their sites in Dunmanus Bay Inner.

Angling and inshore fishing activities also take place throughout the bay.

5.0 STATUTORY DESIGNATIONS

A literature review of statutory designations was carried out as part of this report. The results of this are outlined in sections 5.1 to 5.4 below.

5.1 Statutory Designations

There are no Natural Heritage Areas (NHA), proposed Natural Heritage Areas (pNHA), Special Areas of Conservation (SAC) or Special Protection Areas (SPA) at the site of the proposed development. The nearest natural designation areas to the site of the proposed development are as follows:

- Dunbeacon Shingle SAC is located approximately 6km north east of the site
- Owen's Island pNHA is located approximately 2.5km north of the site
- Sheep's Head to Toe Head SPA is located at the west of the Mizen Peninsula and Dunmanus Peninsula
- Sheep's head pNHA is located on Dunmanus Peninsula to the North.

There are no designated bathing areas near the proposed development.

5.2 Scenic Routes

The land immediately south of the site is designated as a scenic landscape in the Cork County Development Plan, 2009. Scenic route S107 and S106 are located adjacent to the site and Scenic Route S109 is located on Sheeps Head Peninsula to the north.

5.3 Water Quality Status

The EPA Water Quality in Ireland 2007-2009 report identifies Dunmanus as a shellfish production area with A and B classification.

The site of the proposed development does not fall under the category of a designated bathing area. There is no water quality designation within Dunmanus Bay following reference to EPA Bathing Water Quality 2009. The closest designated Good Water Quality designation in EPA Water Quality in Ireland 2007-2009 is Barley Cove, approximately 15km south west.

The EPA does not provide a status for Dunmanus Bay in relation to Transitional and Coastal Waters Ecological Status. Roaringwater Bay to the south has a moderate status.

In 2009, the minister for the Environment, Heritage and Local Government signed the Dunmanus Inner Pollution Reduction Programme. This programme was implemented to improve water quality in the designated shellfish growing waters in Dunmanus Bay Inner.

5.4 Local Area Plans and County Development Plan

Although planning permission is not required for offshore aquaculture developments, the relevant area plans were reviewed as part of the assessment process. The current Cork County Development Plan (2009) (CDP) and the Bantry Local Area Plan (2011) (LAP) does not include any restrictions in relation to aquaculture development in Dunmanus Bay. The LAP recognises aquaculture as an economic strength of the area and states that the strategy is to promote further growth and development in this sector. The CDP states that the Bantry area is "an important location for marine and aquaculture industries". It also states that "In accordance with Government policy, the Council will support and promote the sustainable development of the aquaculture sector in order to maximize its contribution to jobs and growth."

6.0 SITE SELECTION

A number of factors contribute to selecting an appropriate site for the development and operation of a longline suspended culture farm

6.1 Site Suitability

The site has been selected due to the relative shelter provided by Carbery Island and Furze Island. There is adequate site flushing as outlined in section 9.0 of this report.

Dunmanus Bay Mussels currently operates a site in the inner harbour (adjacent to Mannion's Island). Access to the new proposed site, availability of plant and machinery, and labour resources is therefore conveniently located.

6.2 Access to Site

Dunmanus Bay Mussels operates from Durrus Pier. This pier is approximately 9km or 5 nautical miles north east of the site. There is no pier infrastructure in the vicinity of the proposed site.

6.3 Navigation

Extensive consultations with the Marine Survey Office (MSO) were previously held. The outcome of this consultation assisted in determining a location for the proposed development that would satisfy navigational safety issues.

6.4 Alternative Sites

Alternative sites within Dunmanus Bay were examined. The final site was dictated by the MSO to satisfy navigational safety issues. The applicant already operates sites within the bay.

7.0 PROPOSED WORKS

7.1 Physical Infrastructure

The works will comprise the installation of 18 no. longlines, each of a length of 220m as indicated on the drawings that form part of this application. Each longline will comprise 1 no. 220m long head rope (singlehead rope). Droppers will hang vertically from the longlines at approximately 800mm spacing. The droppers, upon which the mussels will grow, will be approximately 6m long and 12mm diameter. Buoyancy to the longline system will be provided by 210Litre polyethylene barrels at spacings of 3m to 4m.

Anchorage to the long lines will be provided by 40mm diameter polypropylene ropes connected to approximately 8m of chain that will in turn be connected to a 5 tonne concrete anchor. Damper weights and trawl balls will be provided to the anchorage system also.

To provide navigation warnings, Floatex 1200PE Light Buoys will be installed in the four corners of the site. The proposed lamp standards will be subject to approval from the Commissioner of Irish Lights (CIL). These buoys will be anchored with 28mm anchor chains connected to a 5 tonne concrete anchor block on the sea bed.

All materials will be brought to the site from Durrus Pier, where the applicant currently operates from.

7.2 Construction Methodology

The site will be installed by the applicant using existing plant and machinery. A crane will be used to drop 5 tonne concrete anchor blocks on the sea bed. The location of the blocks will be confirmed using GPS. Approximately 8m of chain and anchor ropes will be attached to the anchor blocks before deployment.

From a work barge, the anchor ropes will be tied to 1 headrope which will be 220m long. The headropes will then be connected to 210litre polyethylene barrels at 3m to 4m spacing.

The process will be repeated for all the other lines. It is estimated that the installation works will take approximately 1 month.

7.3 Operation Works

The operation works comprise of three distinct stages.

7.3.1 Seed (Spat) Collection

Seeds will be collected via natural spat fall collection. Reusable Spanish spat collector rope will be suspended in late January and early February. This rope is reusable with a circa 25 year lifespan.

7.3.2 Thinning

When the mussels have grown to between 10mm and 13mm the collector rope is hauled into the harvesting vessel and the mussels are stripped from the rope. The rope is washed and stored for reuse the following season. The mussels are sorted through a grading machine and sorted into two sizes. The mussels are then placed on a grow rope (New Zealand) and a biodegradable cotton sock. The rope is hung at 800mm spacing with a 6/7 m drop. This process is repeated in the summer. After approximately 12 months, when the mussels have grown to market size, they are harvested.

7.3.3 Harvesting

When the mussels have grown to market size, the rope is hauled into the harvesting vessel and mussels are removed from the rope and the rope is washed and stored for reuse. The mussels are washed and graded and bagged into 1 tonne bags. The bags are then placed onto pallets for onward transportation. The New Zealand rope also has a lifespan of circa 25 years.

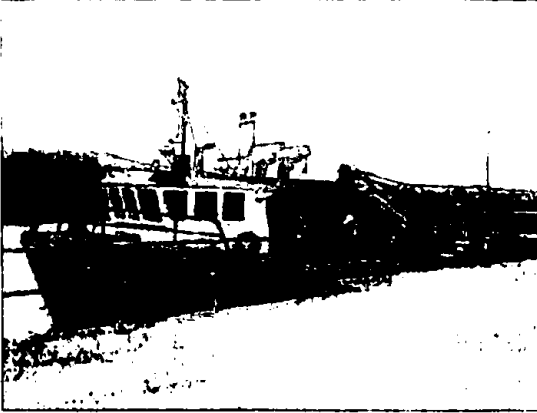


Image 3 MFV Muireann

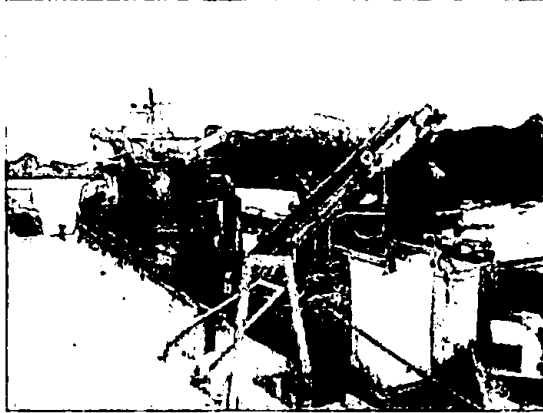


Image 4 Work Gear

Works will be carried out from MFV Muireann a 15m long fishing vessel retro-fitted to accommodate mussel harvesting plant.

8.0 LANDSCAPE AND VISUAL ENVIRONMENT

Impacts on landscape and visual are addressed separately

8.1 Landscape

The Cork County Council Draft Landscape Strategy 2007 identifies the landscape character areas of County Cork. The site of the proposed development falls into Type 4 "Rugged Ridge Peninsulas" in the strategy. The site falls into Sheeps Head – Mizen Head Landscape Character area and is identified as being "indented rugged peninsular ridge" in the area of the proposed development. It states that the landscape value is "very high" the landscape sensitivity as "very high" and the landscape importance as "national".

The landscape character will not be dramatically altered by the proposal as the development will integrate with the existing bay/harbour. All infrastructure will be installed below, at, or only slightly above water level. The view of the water edge and the bay will not be altered by the presence of the farm.

It is unlikely that the Scenic Landscape Designation or the Scenic Roads designation will change due to the proposed development.

8.2 Visual

The main visual receptors of the proposed development will be residential properties in the locality and users of the small strand east of the development.

8.2.1 Zone of Visual Influence

The area of study (or visual envelope) for a visual assessment may extend to the whole of the area from which the development is visible, however it is generally limited to the distance from the development within which the view is expected to be of interest or concern.

A zone of visual influence is the area within which a proposed development may have an influence or effect on visual amenity. A visual receptor may be a physical landscape resource, special interest or viewer group that will expect an effect.

The Zone of Visual Influence was assessed during a field survey to determine the locations where there are potential impacts on the visual environment. Six locations were assessed in terms of visual impact as per Figure 1.



Figure 1 Location of Visual Impact Receptors

8.2.2 Visual Representations

Images 5 to 17 present views from the various viewpoints (as per Figure 1), with visual representations shown thereafter:



Image 5 Viewpoint 1 Pre Development



Image 6 Viewpoint 1 Post Development



Image 7 Viewpoint 2 Pre Development



Image 8 Viewpoint 2 Post Development

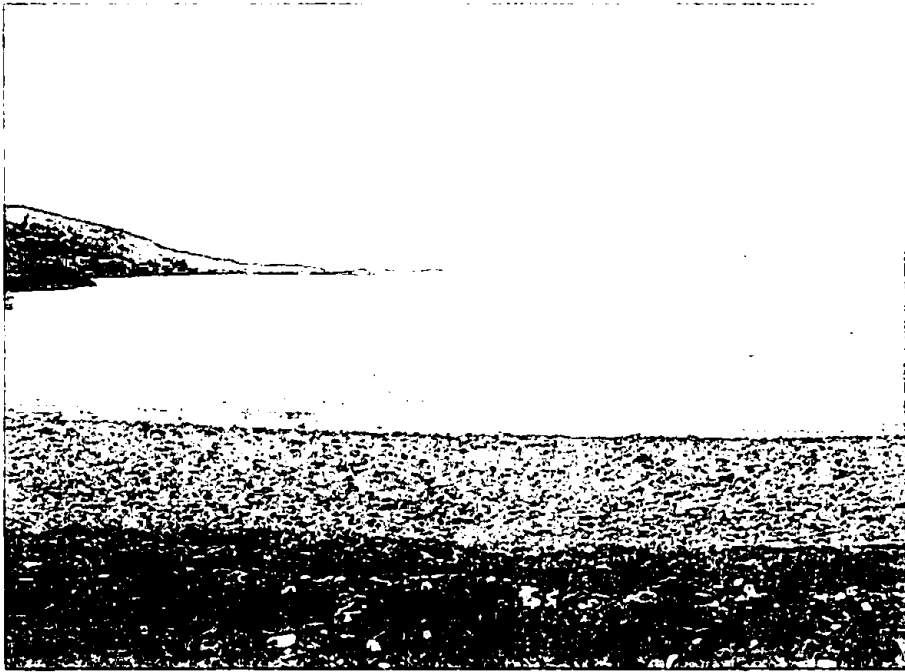


Image 9 Viewpoint 3 Pre Development

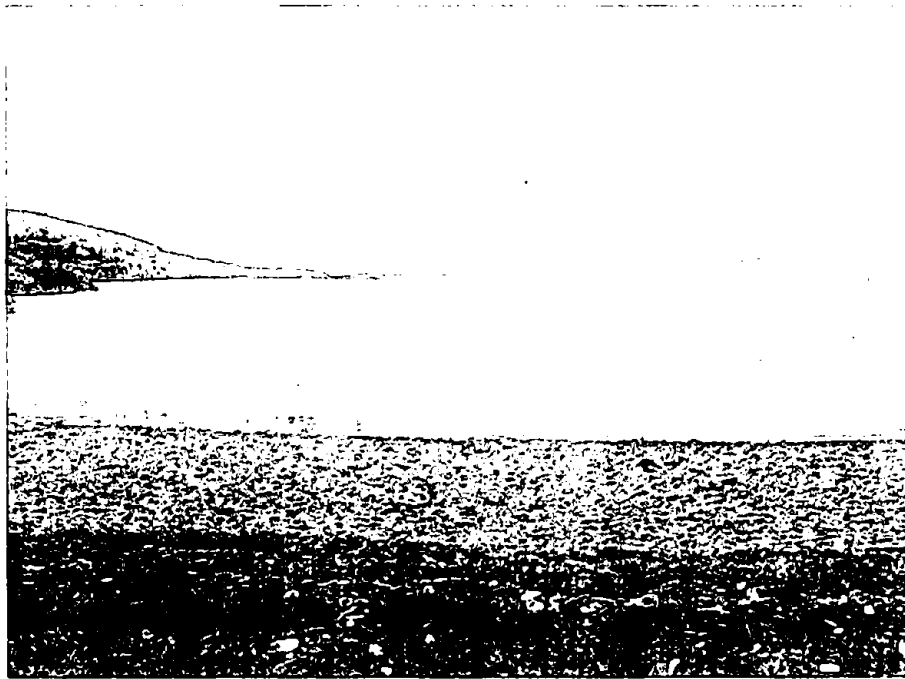


Image 10 Viewpoint 3 Post Development



Image 11 Viewpoint 4 Pre Development



Image 12 Viewpoint 4 Post Development



Image 13 Viewpoint 5 Pre Development

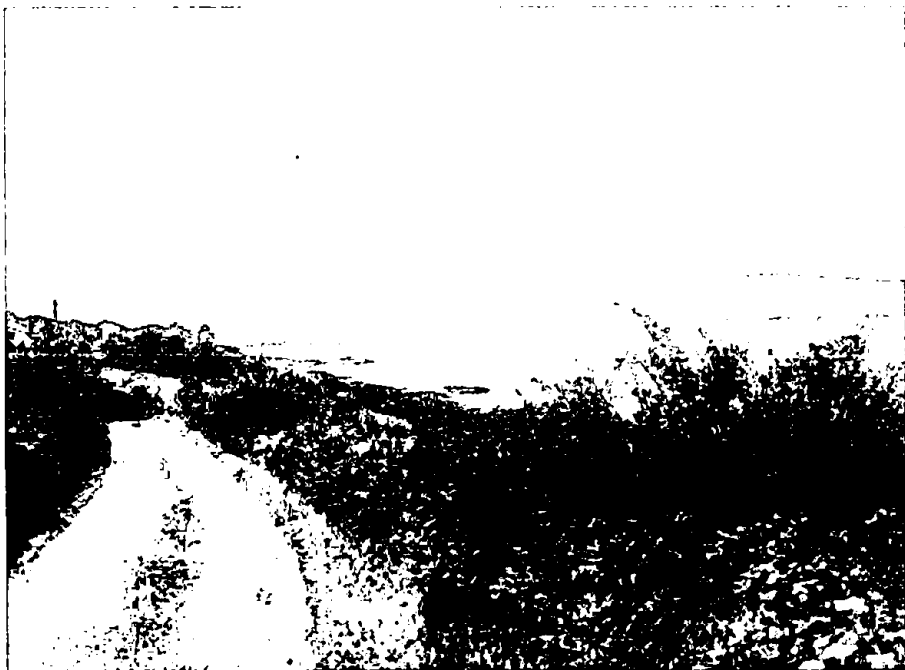


Image 14 Viewpoint 5 Post Development



Image 15 Viewpoint 6 Pre Development



Image 15 Viewpoint 6 Post Development

8.2.3 Residential Properties

Less than 20 residential properties are located within 1km of the proposed development. Some of these will have clear views of all or part of the development. The main visual impact will be of vessels berthed at the farm during operations. The view of vessels will not be out of context given the nature of the existing site.

The view of the floats will be more apparent from higher elevations.

8.2.4 Strand

A small strand is located to the east of the proposed development. Here, users will have unobstructed views of the proposed development. The main visual impact will be of vessels berthed at the farm during operations. This view will not be out of context given the nature of the existing site.

The floats will not be highly visible due to the low elevation of the receptor over the development.

8.3 Visual and Landscape Impact Mitigation Measures and Design Mitigation Features

In order to reduce any potential impact on visual amenities, the following mitigation measures or design features are proposed.

- 1) The site will not be located near other farms, which reduces the impact on landscape, in accordance with the Department of Marine and Natural Resources "*Guidelines for Landscape and Visual Assessment of Marine Aquaculture*".
- 2) The development will not be located within the central focus of the bay.
- 3) The longlines as proposed run parallel with the existing coastline, thus reducing fragmentation of the water surface.
- 4) Simple linear lines are proposed. This suits the elongated nature of the peninsulas.
- 5) Shore based activities will take place at the existing Durrus Pier and not in the vicinity of this site.
- 6) Navigation lighting will not be visually negative and will not be out of context within the bay.
- 7) Floating buoys used will be "battleship grey" in colour, so as to match the existing visual environment. This will mean that they are less visually obtrusive.
- 8) Care will be made to ensure lines are accurately installed. This will ensure the lines are parallel.
- 9) Lines will be installed taut, so they do not become misshaped over time. Also, the anchor blocks have been adequately sized so as to avoid drag of the lines.
- 10) Intermediate anchors will be installed to prevent bowing of the lines, if required.

9.0 PREDICTED IMPACTS & MITIGATION MEASURES

9.1 Biodeposition and Impact on Benthic Community Composition

Shellfish farming results in the bio-deposition of faeces and pseudo faeces on the sea bed. This can affect existing sediment characteristics and benthic community composition.

The volume of bio-sedimentation on the sea bed is very much site specific. It is difficult to accurately forecast sedimentation on a site as it is dependent on existing water quality, farm size, mussel density, currents, wave action, nutrients and other variables. It is considered that shellfish farming has less of an impact on the environment than fin fish farming, as no external feed is added, however they do occupy a larger footprint.

The dynamics of bio-deposition (including faeces and pseudo faeces) are not fully understood and not easily modelled. For the purposes of this study, first principles were used to determine the rate of bio-deposition, dispersion, and accumulation of bio-deposits. Reference is made to Weise et al. "Modelling the biodeposition from suspended shellfish aquaculture and assessing benthic effects", 2009. That study was carried out at shellfish sites in Canada. To date, no similar studies can be sourced in Ireland, so the "worst case scenario" figures from this report are used.

Site	GE 1+ (2003)	CAS (2005)	Dunmanus Bay
Site Size km ²	2.5	1.4	0.26
Longline Dimensions	200 No. longlines 91m long 0.2m diameter 1m dropper length	150 No. longlines 142m long 0.2m diameter 5.5m dropper length	18 No. longlines 220m long 0.04m diameter 7m dropper length
Overall length of Droppers per longline	366m	1100m	1.925m
Depth of Longline below Water Level	1.5m	12m	2m
Biodeposit production (kg/longline/day)	26.4	86.5	Unknown
Faeces Settling Velocity (mm/s)	10.0 ± 3.0	8.0 ± 1.0	Unknown
Pseudofaeces Settling Velocity (mm/s)	2.0 ± 0.2	N/A	Unknown

Table 4 Site Characteristics

9.1.1 Biodeposition Generation

Upon examination of Table 4, it may be interpolated that approximately 0.079kg of biodeposit per metre of dropper per day may be produced. It can therefore be approximated that 174kg/longline per day of biodeposit may be generated at the proposed site in Dunmanus. This equates to approximately 2,718kg of biodeposit generated daily at the site. This equates to approximately 992Tonnes/year.

9.1.2 Biodeposition Dispersion

Table 4 indicates that faeces settling velocities of approximately 10.0 mm/s have been recorded at previous study sites. For the purposes of this report, we will assume a biodeposit settling velocity at the Dunmanus site of 10.0 mm/s. This yields the following settling times at the Dunmanus site:

Low Water, -15m CD contour, settling time = 1,500s (or 25minutes)

High Water, -30m CD contour, settling time = 3,000s (or 50minutes)

Section 2.3 of this report indicates that current velocities at the site range between 0.09m/s to 0.20m/s. This yields the following potential settling distances from the site:

Minimum: $1,500s \times 0.09m/s = 135m$ (laterally) from the source

Maximum: $3,000s \times 0.20m/s = 600m$ (laterally) from the source

This equates to an affected footprint of 0.319km² to 0.515km².

The concentration of deposits over the seabed is therefore:

Maximum: $992,070 \text{ kg/year} / 319,200m^2 = 3.108 \text{ kg/m}^2/\text{year} = 8.515 \text{ g/m}^2/\text{day}$

Minimum: $992,070 \text{ kg/year} / 514,500m^2 = 1.928 \text{ kg/m}^2/\text{year} = 5.283 \text{ g/m}^2/\text{day}$

Allowing for neap tides, the maximum concentration of biodeposition may be in the region of 8.5g/m²/day.

These calculations do not take into account wave induced currents and water movements caused by wind effects, which will have a positive impact on biodeposition. The calculations also assume that the site will have 100% harvestable size mussels on the droppers, which will not be the case.

9.1.3 Detectable Impact

Weise et al states that benthic status may become disturbed when biodeposition rates are in the range of circa 15 to 30g/m²/day. The estimated concentration rates fall well below this criteria. It can therefore be stated that the proposed farm will not have a detrimental impact on the existing benthic community composition.

9.2 Impact on Human Health

Mytilus edulis are filter feeders and remove toxins and bacteria from the water in which they inhabit. Mussels are not a generator of toxins. They may ingest toxins from the water and convert to biodeposits. The proposed farm will not have an effect on human health due to bathing activities.

Consumption of shellfish containing DSP, PSP and ASP toxins can affect human health. These toxins are caused by enrichment and algal blooms. During occasions when algae blooms are present in the locality, harvesting of mussels is not permitted. A rigorous shellfish monitoring programme is managed by the Sea Fisheries Protection Authority (SFPA).

9.3 Impact on Local Fisheries

The development may have a minor impact on local fisheries. The applicant is willing to accommodate inshore fisherman to continue to fish the area after the farm is installed. This

arrangement currently exists and works well between the applicant and inshore fishermen at their sites in Dunmanus Bay Inner.

9.4 Impact on Foreshore

None anticipated

9.5 Impact on Land Uses

It is anticipated that the proposed development will have negligible impact on existing land uses as the site does not encroach on the land

9.6 Impact on Employment

The proposed development will have a positive impact on employment as it will help support existing jobs and create new local employment opportunities. This will have a positive impact on the local economy as other indirect jobs will be supported

9.7 Impact on Traffic

The site will not have any impact on traffic in the locality adjacent to the development as all works access will be carried out from Durrus Pier via various vessels, as there is no appropriate berthing facility immediately adjacent to the site

9.8 Impact on Navigation

The proposed site will have minimal impact on navigation. The proposed site lies well to the south of the navigation channel to Dunmanus Inner. Local inshore vessels will be able to navigate between the southern side of the site and the shoreline. The following additional mitigation measures are proposed

- The applicant will deploy navigation buoys to the satisfaction of the Department of Agriculture Food and Marine, the Commissioner of Irish Lights, and the Marine Survey Office
- A marine notice will be advertised with the Department of Transport regarding the construction works
- A public notice will be advertised in a locally read newspaper
- The United Kingdom Hydrographic Office will be notified so amendments can be made to the local navigation charts

9.9 Impact on Statutory Designations

The proposed development will not impact upon or change any statutory designations.

9.10 Pollution

Recyclable materials will be used during both the construction and operational phases, as far as possible. Nylon mesh will not be used for the longline stockings

A hydrocarbon spill clean-up kit will be available on the work boat at all times. This will ensure that any potential hydrocarbon spills are contained and appropriately managed

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Appendix A

DUNMANUS BAY MUSSELS

Habitats Directive Screening Report

September 2013

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DUNMANUS BAY MUSSELS

Habitats Directive Screening Report

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1 INTRODUCTION

This report has been prepared by Paul Murphy of EirEco Environmental Consultants in association with Cronin Miliar Consulting Engineers, on behalf of Dunmanus Mussels Ltd, to determine the potential effects, if any, of the proposed development of a mussel farm in Dunmanus Bay on the Natura 2000 network. The purpose of this assessment is to determine the appropriateness, or otherwise, of the proposed scheme in the context of the conservation status of sites designated under the Natura 2000 network.

1.1 Regulatory Context

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora better known as 'The Habitats Directive' provides the framework for legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000. These are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/EEC) (better known as 'The Birds Directive').

Article 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect Natura 2000 sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment:

"Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subjected to appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implication for the site and subject to the provisions of paragraph 4, 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 and, if appropriate, after having obtained the opinion of the general public."

1.2 Stages of Article 6 Assessment

This Screening Report and Natura Impact Statement has been undertaken in accordance with the European Commission Methodological Guidance on the provision of Article 6(3) and 6(4) of the 'Habitats' Directive 92/43/EEC (EC 2001) 'Assessment of plans and projects significantly affecting Natura 2000 sites - Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC' and the European Commission Guidance 'Managing Natura 2000 Sites'. In complying with the obligations under Article 6(3) and following the above Guidelines, this AA has been structured as a stage by stage approach as follows:

Screening

- Description of the proposed project
- identification of Natura 2000 sites potentially impacted
- Identification and description of individual and cumulative impacts likely to result from the project
- Assessment of the significance of identified impacts on site integrity
- Exclusion of Natura sites from the assessment process where it can be objectively concluded that there will be no significant impacts

Appropriate Assessment

- Description of the Natura 2000 sites that will be considered further in the AA
- Description of significant impacts on the conservation feature of these sites likely to occur from the scheme
- Details of measures to avoid or mitigate any significant impacts
- Assessment of Alternative Solutions (if applicable)
- Examination of alternative solutions (if applicable)
- Assessment where no alternative solutions remain and where adverse impacts remain
- The 'IROPI test' (Imperative Reasons of Over-riding Public Interest) and compensatory measures

The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures. Firstly, the proposed scheme should aim to avoid any negative impacts on European sites by identifying possible impacts early in the plan making and writing the plan in order to avoid such impacts. Secondly, mitigation measures should be developed, if necessary, during the AA process to the point, where no adverse impacts on the site(s) remain. Where a proposed scheme is still likely to result in adverse effects and no alternative solutions are identified, if the proposed scheme is required for imperative reasons of overriding public interest (IROPI test) under Article 6 (4) of the Habitats Directive, then compensation measures are required to offset any remaining adverse effect.

As part of this assessment, marine survey was undertaken on the 14th August 2013 using a combination of SCUBA and direct observation during low water within the littoral zone. The survey commenced at 10:00 (mid-tide) and continued through to low tide (HW 05:26:39m, LW 12:49:08m). Marine habitats were classified according to JNCC Marine Habitat Classification for Britain and Ireland (Version 04/05) and the Heritage Council Classification (Fossitt, 2000).

2. STAGE 1: SCREENING

2.1 Natura Sites Identified

The location of the proposed mussel farm is not within any designated Natura 2000 site, the nearest site being over 2km away. The location of the proposed development relative to designated areas is shown in Figure 1.

Figure 1. Proposed Mussel Farm at Dunmanus Bay in relation to Designated Conservation areas (source: NPWS Mapviewer)

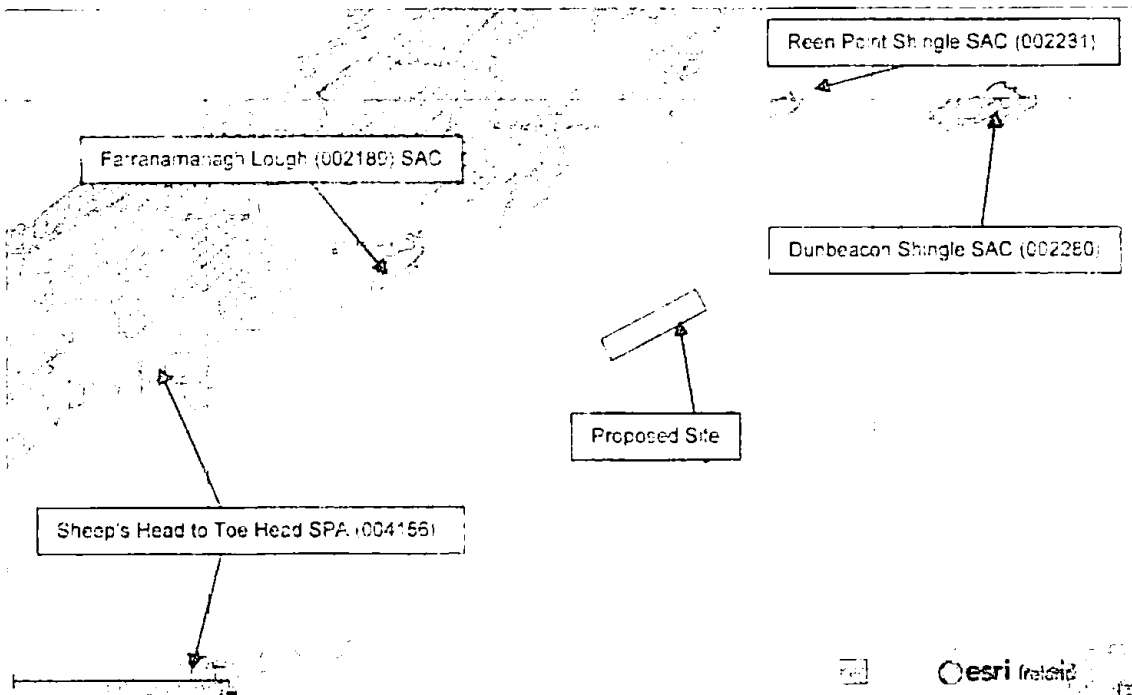


Table 1 details the Natura 2000 sites that are within the general vicinity of the proposed mussel farm location

Table 1. Natura 2000 sites in the general vicinity of the proposed Mussel Farm

Site Name	Site Code	Designated Status	Principal Interest
Dunbeacon Shingle	002260	SAC	<ul style="list-style-type: none"> Perennial vegetation of stony banks Mediterranean salt meadows (<i>Juncetalia maritimi</i>) European dry heaths Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)
Reen Point Shingle	002251	SAC	<ul style="list-style-type: none"> Coastal lagoons Perennial vegetation of stony banks Mediterranean salt meadows (<i>Juncetalia maritimi</i>) European dry heaths
Farranamanagh Lough	002169	SAC	<ul style="list-style-type: none"> Coastal lagoons Perennial vegetation of stony banks
Sheep's Head to Toe Head	004156	SPA	<ul style="list-style-type: none"> Peregrine (<i>Falco peregrinus</i>) Chough (<i>Pyrrhocorax pyrrhocorax</i>)

2.2 Description of the Project and Location

2.2.1 Project Location

The project involves the establishment of a mussel long-line farm along the southern shore of Dunmanus Bay (see Figure 2 which shows the location of the proposed mussel farm on the Admiralty Chart)

**Figure 2. Aerial view showing proposed Mussel Farm location outlined in red.
(Source: CMCE)**

2.2.2 Project Description

Physical Infrastructure

The works will comprise the installation of 18 No. longlines, each of a length of 220m. Each longline will comprise 1 No. 220m long head rope (single head rope). Droppers will hang vertically from the longlines at approximately 800mm spacing. The droppers, upon which the mussels will grow, will be approximately 6m long with a 12mm diameter. Buoyancy to the longline system will be provided by 210Litre polyethylene barrels at spacings of 3m to 4m.

Anchorage to the long lines will be provided by 40mm diameter polypropylene ropes connected to approximately 8m of chain that will in turn be connected to a 5 tonne concrete anchor. Damper weights and trawl balls will be provided to the anchorage system also.

To provide navigational warnings, 4 no. Floatex 120CPE Light Buoys will be installed in the four corners of the site. The proposed lamp standards will be subject to approval from the Commissioner of Irish Lights. These buoys will be anchored with 28mm anchor chains connected to a 5 tonne concrete anchor blocks on the sea bed.

All materials will be transported to the site from Durrus Pier, where the applicant currently operates from.

Construction Methodology

The site will be installed by the applicant using their existing plant and machinery. A crane will be used to drop 5 tonne concrete anchor blocks on the sea bed. The location of the blocks will be confirmed using GPS. Approximately 8m of chain and anchor ropes will be attached to the anchor blocks before deployment.

From a work barge, the anchor ropes will be tied to 1 headrope which will be 220m long. The headropes will then be connected to 210litre polyethylene barrels at 3m to 4m spacing.

The process will be repeated for all the other lines. It is estimated that the installation works will take approximately 1 month.

Operation Works

The operation works comprise of three distinct stages as follows:

Seed (Spat) Collection

Seeds will be collected via natural spat fall collection. Reusable Spanish spat collector rope will be suspended in late January and early February. This rope is reusable with a circa 25 year lifespan.

Thinning

When the mussels have grown to between 10mm and 13mm the collector rope is hauled into the harvesting vessel and the mussels are stripped from the rope. The rope is washed and stored for reuse the following season. The mussels are sorted through a grading machine and sorted into two sizes. The mussels are then placed on a grow rope (New Zealand) and a biodegradable cotton sock. The rope is hung at 800mm spacing with a 6/7 m drop. This process is repeated in the summer. After approximately when the mussels have grown to market size they are harvested.

Harvesting

When the mussels have grown to market size, the rope is hauled into the harvesting vessel and mussels are removed from the rope and the rope is washed and stored for reuse. The mussels are washed and graded and bagged into 1 tonne bags. The bags are then placed onto pallets for onward transportation. The New Zealand rope also has a lifespan of circa 25 years.

2.2.3 Description of the Existing Marine Environment

To evaluate and classify the marine environment in the location and vicinity of the proposed mussel farm, a SCUBA survey was carried out by Dr Louise Scally and Paul Murphy on the 14th August 2013. Two separate transects were surveyed running from north to south across the study area at approximately one third intervals. The Biotope Classification assigned to the site is burrowing megafauna and *Maxmuelleria lankesteri* in circalittoral mud (SS SMU CF:Mu MegMax) based on Connor et al (2004) which define the biotope as follows:

In circalittoral stable mud distinctive populations of megafauna may be found. These typically include Nephrops norvegicus, Calocaris macandreae and Callinassa subterranea. Large mounds formed by the echinuran Maxmuelleria lankesteri are also frequent in this biotope. The seapen Virgularia mirabilis may occur occasionally in this biotope but not in the same abundance as SpnMeg to which MegMax is closely allied. Infaunal species may include Nephtys hystrix, Chaetozone setosa, Amphiuira chaiei and Abra alba.

The site location is relatively uniform in depth ranging from between approximately 27 to 30 meters (below chart datum). The substrate is undulating mud sediment with no sign of anoxia. The dominant organism is the Dublin Bay prawn *Nephrops norvegicus* with burrows recorded at densities of approximately 8/m², which all appeared to contain live individuals. Otherwise, the site is classified as a relatively species poor community. The nationally rare burrowing anemone *Pachyconanthus multiplicatus* was recorded within Dunmanus Bay in the 1990's (Nick Pfeiffer pers. com) though no evidence of this species was recorded during the current survey. Table 2 presents a list of species recorded and their relative abundance.

Table 2. Species recorded during SCUBA survey at Dunmanus Bay

Species	Abundance	Comment
<i>Nephrops norvegicus</i>	Abundant	Dominant organism
<i>Cerianthus lloydii</i>	Occasional	
<i>Carcinus maenas</i>	Rare	
<i>Pecten maximus</i>	Present	Single individual
<i>Lanice conchilega</i>	Rare	
<i>Anemone viridis</i>	Present	Possibly a drift specimen

The adjacent shoreline in the vicinity of the proposed mussel farm consists of exposed bedrock forming a low-lying shore with occasional skerries and outcropping islets. The site is moderately exposed though some shelter is provided by Carberry Island to the west. The intertidal zone consists primarily of barnacles, limpets, mussels and fucoid seaweeds and is classified as moderately exposed rocky shores (LR2) according to the Heritage Council classification (Fossitt, 2000).

2.2.4 Description of the Existing Terrestrial Environment

The adjacent land rises irregularly to the south and has extensive scrub-woodland cover in the eastern half consisting of a mixture of willow (*Salix spp.*), occasional oak (*Quercus robur*) with hawthorn (*Crataegus monogyna*), blackthorn (*Prunus spinosa*) and gorse (*Ulex europaeus*). Further west there are areas of siliceous dry and wet heath (HH1/3) with heather (*Calluna vulgaris*) and purple moor-grass (*Molinia caerulea*) on areas of shallow bedrock with patches of dense bracken (*Pteridium aquilinum*) (HD1) and patches of gorse scrub (WS1).

2.2.5 Marine Mammals

During the survey carried out in August 2013, a total of 9 harbour seals (*Phoca vitulina*) were hauled out on intertidal skerries to the south of the proposed site known as Carrigphilip and Mucklagh Rocks (see Figure 3). The most recent survey data available from NPWS indicates that a maximum of 34 harbour seals were recorded from Dunmanus Bay in 2009 with the main haul-outs located at Carrigphilip and Mucklagh Rocks.

The nearest grey seal haul-out to Dunmanus Bay is within Roaringwater Bay which has grey seal listed as one of its Conservation Interests as a designated SAC (site code No. 000101). Grey seal would be expected to forage within Dunmanus Bay on a regular basis and a solitary male seal was present off Cold Island during the survey in August 2013. Both harbour and grey seal (*Halichoerus grypus*) are listed under Annex II of the EU Habitats Directive.

Otter (*Lutra lutra*) are reported as being widespread within Dunmanus Bay and there is evidence that Cold Island to the southwest of the proposed site, is used as a holt location. The shoreline to the

south of the proposed site is also well suited for both holt, couch and foraging usage. The site itself is in water too deep to support foraging by otter.

A variety of cetacean species have been recorded in Dunmanus Bay in recent years with results compiled by the Irish Whale and Dolphin Group presented in Table 3 for the period 2007-2012 (Source: RPS Technical Advisors Report 761363).

Table 3. Cetacean activity recorded from Dunmanus Bay during the period 2007-12.

Date	Species	Number of individuals
June 2012	Common dolphin (<i>Delphinus delphis</i>)	25
August 2011	Whale species	2
August 2011	Medium whale species	1
July 2011	Minke whales (<i>Balaenoptera acutorostrata</i>)	2
August 2010	Minke whales (<i>Balaenoptera acutorostrata</i>)	1
June 2010	Whale species	1
May 2010	Minke whales (<i>Balaenoptera acutorostrata</i>)	1
September 2009	Whale species	1
March 2009	Whale species	1
September 2008	Common dolphin (<i>Delphinus delphis</i>)	100
September 2008	Minke whales (<i>Balaenoptera acutorostrata</i>)	3
September 2008	Minke whales (<i>Balaenoptera acutorostrata</i>)	2
June 2007	Bottlenose dolphin (<i>Tursiops truncatus</i>)	15
September 2007	Common dolphin (<i>Delphinus delphis</i>)	15

On the basis of the data recorded, it can be surmised that periodic occurrence of small to medium sized cetaceans occurs within Dunmanus Bay on an occasional basis primarily during the summer period. Unidentified whale species recorded are likely to be Minke whales, the most widespread of the baleen whales and the species most frequently encountered in inshore environments. The sporadic occurrence of cetaceans within the Bay suggests movements are likely to be primarily associated with movements in pursuit of fish prey. All cetacean species are afforded protection under Annex IV of the EU Habitats Directive.

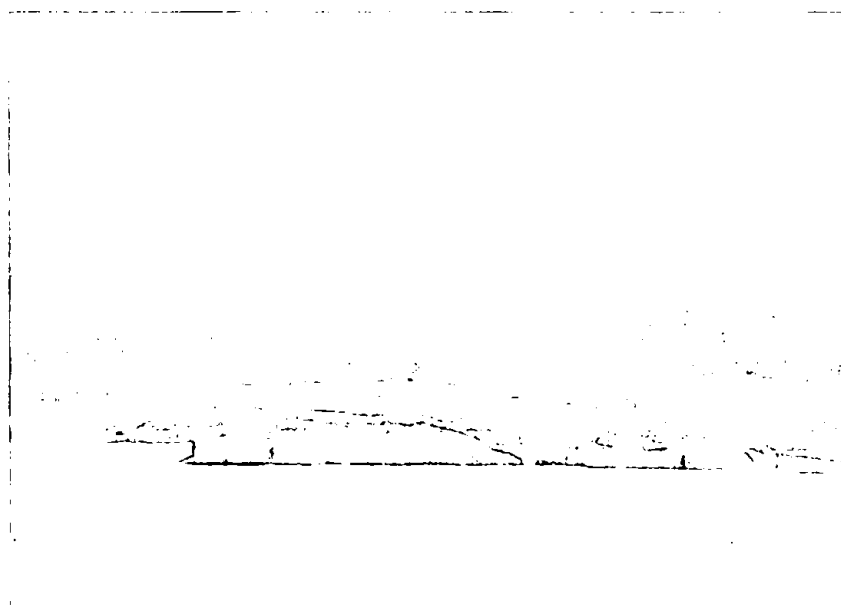


Figure 3. Harbour seals hauled out on Mucklagh Rocks during site survey.

2.2.6 Birds

A number of bird species listed under Annex I of the EU Birds Directive are reported from the Dunmanus Bay area including peregrine falcon (*Falco peregrinus*) chough (*Pyrrhocorax pyrrhocorax*) and various tern species including Arctic tern (*Sterna paradisica*). The habitats in the vicinity of the proposed mussel farm are unsuited for nesting by peregrine falcon and chough, though the skerries of Carrigphillip and Mucklagh Rocks may be suited for nesting by Arctic tern. Cormorants (*Phalacrocorax phalacrocorax*) were observed using Carrigphillip and Mucklagh Rocks as a temporary roost site during the site survey while further offshore within the open part of the bay Manx shearwaters (*Puffinus puffinus*) were observed in flight along with smaller numbers of gannets (*Morus bassanus*). Both species are confined to offshore islands for breeding.

2.3 Identification of potential impacts

Only those development features that have the potential to impact on features and conservation objectives of the identified Natura sites are considered. A number of factors were examined at this stage and dismissed or carried forward for appropriate assessment as relevant. The following areas were examined in relation to potential impacts from the proposed development on the Natura 2000 network in the area and are dealt with in detail below:

- Direct and indirect loss of habitats
- Disturbance to habitats
- Disturbance to species
- Water Quality
- Air Quality
- Hydrological changes

A summary of the potential impacts on the Natura 2000 network is presented in Tables 1 to 3.

Table 1. Likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on Natura 2000 sites within 10km radius of the site.

Size and scale	The proposed works involve the installation of 18 No. Mussel longlines, each of a length of 220m with associated anchors and navigational lighting.
Land-take	The works involve the establishment of a floating network of longlines with anchors to the seabed. Existing harbour infrastructure will be utilised for onshore works.
Distance from Natura 2000 sites	The proposed mussel farm is approximately 2km from the nearest designated sites (Reen Point Shingle SAC and Farranamanagh Lough SAC).
Resource requirements (water abstraction, etc.)	The proposed mussel farm will utilise naturally occurring spat-fall with mussels grown to harvestable size over a period of approximately 2 years with n longlines. No artificial feeds or other substances will be used in their production. Periodic thinning and final harvesting will take place from a dedicated work vessel operating from the existing pier at Durrus.
Emissions (disposal to land, water or air)	While the mussels feed on naturally occurring food reserves of plankton within the water column, the artificially high concentration of mussels will give rise to increasing loads of pseudofaeces produced by the mussels as they grow to maturity.
Excavation requirements	There are no excavation requirements associated with the development though anchoring of the longline installation and associated navigational lighting will require anchors and chain to moor in position.
Transportation requirements	All works will be carried out from MFV Muireann, a 15m long fishing vessel retro-fitted to accommodate mussel harvesting plant.
Duration of construction, operation, decommissioning, etc.	The entire installation works are expected to be completed within a period of 1 month.

Reduction of habitat area	There reduction in habitat as a result of the footprint of the mussel farm is considered not significant as it is suspended within the water column with only a small number of anchors on the seabed
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Table 2. Description of likely changes to any Natura 2000 sites within a 10km radius of the site arising as a result of disturbance, fragmentation, etc.

Disturbance to key species	A harbour seal haulout is located at Carrigphilip and Mucklagh Rocks along the southern shoreline of Dunmanus Bay in the vicinity of the proposed Mussel farm. The distance to the mussel farm is approximately 200m at its nearest point. Harbour seals would be expected to habituate to ongoing activities at the mussel farm though may potentially be subject to an initial disturbance phase. Otter activity is unlikely to be affected in any way by the proposed development. Cetacean activity which is sporadic within the Bay is also unlikely to be affected in any way by the proposed farm.
Habitat or species fragmentation	The proposed works will not result in any habitat or species fragmentation effects.
Reduction in species density	The works will not result in any significant reduction in species density.
Changes in key indicators of conservation value (water quality etc.)	The works will not result in any changes to key indicators of conservation value.
Climate change	The works will not give rise to any potential for effects on climate.

Table 3. Description of likely impacts on the Natura 2000 site within a 10km radius of the site as a whole in terms of structure and functions.

Key relationships that define the structure of the sites	The proposed works will not result in any significant impacts on the Natura 2000 network.
Key relationships that define the function of the site	The proposed works will not result in any significant alteration of the functioning of the Natura 2000 network.

2.3.1 Direct and indirect loss of habitats

There will be no direct or indirect loss of habitat within the Natura 2000 network as a result of the proposed mussel farm development. The proposed development is sufficiently far removed from any Natura site to avoid any affect in terms of fragmentation.

2.3.2 Disturbance to habitats

There is no risk of causing disturbance to habitats within the designated area network during the construction or operation works associated with the mussel farm. The passage of boats to and from the mussel farm from the existing pier at Durrus will not result in any disturbance to habitats in any of the surrounding Natura 2000 sites.

2.3.3 Disturbance to Marine Mammals

There is likely to be considerable otter activity in the vicinity of the proposed mussel farm though such activity will be primarily the shallower coastal stretch Cold Island which is located a short distance (c700m southwest of the proposed farm location) is reported to be regularly used by otter and is likely to contain a holt site. However, the mussel farm is unlikely to result in any disturbance to otters or in any way alter food resources for these Annex II listed species.

A harbour seal haulout occurs on the Carrigphilip and Mucklagh Rocks along the southern shoreline of Dunmanus Bay in the vicinity of the proposed Mussel farm with up to 34 seals recorded at the location in 2009 by the NPWS. Harbour seals are afforded protection under Annex II of the EU Habitats Directive. The activities on the farm during the establishment phase are likely to cause some level of disturbance to the seals at the haulout though it is anticipated that the animals will quickly become habituated to the activity on the farm site. Evidence of hauled out harbour seals

tolerating close human activity exists from numerous locations around the country including within the Kenmare River SAC which has up to 121 Harbour seals recorded

There are occasional records of a variety of small and medium sized cetaceans from Dunmanus Bay, the majority of which occur over the summer months. There is no regular utilization of the waters in the vicinity of the proposed mussel farm and no impacts are anticipated on any cetacean species as a result of the proposed developments. The infrastructure associated with the mussel farm does not pose a threat of entanglement to any cetaceans.

Given the above, no impacts are anticipated on any marine mammal species from the proposed works.

2.3.4 Water Quality

The Biotope Classification assigned to the subtidal element of the proposed mussel farm site is burrowing megafauna and *Maxmuelleria lankesten* in circalittoral mud (SS SMU CFiMu MegMax). Water depths in the site are in the region of 27 to 30m and the site is classified as moderately exposed. While the farmed mussels will feed on naturally occurring food reserves of plankton within the water column, the artificially high concentration of mussels will give rise to increasing loads of pseudofaeces produced by the mussels as they grow to maturity. This will settle out to some extent on the sea bed though due to the depth of water in combination with tidal movements and wind and wave action, the area of deposition is likely to be greater than the footprint of the proposed mussel farm. The existing community of *Nephtys norvegicus* is likely to feed to some extent on this food reserve though other species may become more widespread including crabs (*Carcinus maenas* and *Necora puber*). The proposed mussel farm may over time give rise to an alteration of the benthic faunal community within the vicinity.

2.3.5 Hydrological changes

There will be no hydrological changes to the area or to any Natura 2000 site as a result of the proposed mussel farm. The structures associated with the operation are primarily floating (with the exception of the anchors) and will not impede or alter flow regimes in any way.

2.4 Conclusion

It can be concluded that there will be no significant impact arising from the proposed mussel farm on the Natura 2000 network.

The harbour seal haulout on the adjacent Carrigphilip and Mucklagh Rocks may suffer temporary disturbance during the initial site set up phase of the mussel farm, though it is anticipated that the seals will rapidly habituate to the activity associated with the farm and continue to utilise the location based on their tolerance to activities at other locations around the country. No impacts are anticipated on any other marine mammal species from the proposed mussel farm including otter and cetaceans.

There will be no impact on birds from the proposed mussel farm.

There is no risk of impacting on water quality within any Natura 2000 site as they are sufficiently distant from the proposed mussel farm location (>2km). Localised build up of pseudofaeces may occur with a resultant localised change in the benthic biotic community though this will not affect any designated conservation areas.

There will be no hydrological changes to the area or to any Natura 2000 site as a result of the proposed mussel farm.

While it can be concluded that there will be no significant impact on any Natura 2000 sites, in deference to the requirement to avoid risks of pollution or unnecessary disturbance within the marine environment, a suite of best practice operating procedures will be adopted during the establishment and operation of the facility.

3. REFERENCES

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Ó Cadhla, O., Strong, D., O'Keeffe, C., Coleman, M., Cronin, M., Duck, C., Murray, T., Dwyer, P., Nairn, R., Murphy, P., Smiddy, P., Saich, C., Lyons, D. & Hiby, A.R. (2007) *An assessment of the breeding population of grey seals in the Republic of Ireland, 2005*. Irish Wildlife Manuals No. 34. National Parks & Wildlife Service, Department of the Environment, Heritage and Local Government, Dublin, Ireland.

Connor, David W., James H. Allen, Neil Golding, Kerry I. Howell, Louise M. Leberknecht, Kate O. Northen and Johnny B. Reker (2004) *The Marine Habitat Classification for Britain and Ireland Version 04.05*. JNCC, Peterborough. ISBN 1 861 07561 8 (internet version) www.jncc.gov.uk/MarineHabitatClassification

Appendix B

Dunmanus Mussels Ltd

Aquaculture Licence Application

Bathymetric and Current Modelling Data

Date 19th October 2012

Job No C136

Client Dunmanus Bay Mussels Ltd.

Surveyed by Hydrographic Surveys Ltd

Cronin Millar

Project PH 12032
 Location Mussel Farm Development Aquaculture Application
 Client Dunmanus Bay Mussels

Date	Wind Sp/Dir	Time (BST)	Tidal State	Depth 1 (1m BWL)		Depth 2 (5m BWL)		Depth 3 (10m BWL)		Depth 4 (15m BWL)		Depth 5 (20m BWL)		Depth 6 (25m BWL or 1m above bed)		
				Current Sp (m/sec)	Dirn (deg.m)	Current Sp (m/sec)	Dirn (deg.m)	Current Sp (m/sec)	Dirn (deg.m)	Current Sp (m/sec)	Dirn (deg.m)	Current Sp (m/sec)	Dirn (deg.m)	Current Sp (m/sec)	Dirn (deg.m)	Current Sp (m/sec)
CM1	07.25	1852:07	4.14	0.5	0.03	316	0.03	217	0.03	217	0.03	217	0.03	217	0.03	217
CM2	03.14	1852:07	5.0	0.5	0.03	283	0.03	283	0.03	283	0.03	283	0.03	283	0.03	283
CM3	09.27	1852:07	5.0	0.5	0.03	291	0.03	291	0.03	291	0.03	291	0.03	291	0.03	291
CM4	00.51	1852:07	5.0	0.5	0.03	291	0.03	291	0.03	291	0.03	291	0.03	291	0.03	291
CM5	11.30	1852:07	5.0	0.5	0.03	291	0.03	291	0.03	291	0.03	291	0.03	291	0.03	291
CM6	17.5	1852:07	5.0	0.5	0.03	291	0.03	291	0.03	291	0.03	291	0.03	291	0.03	291
CM7	13.40	1852:07	5.0	0.5	0.03	291	0.03	291	0.03	291	0.03	291	0.03	291	0.03	291
CM8	14.35	1852:07	5.0	0.5	0.03	291	0.03	291	0.03	291	0.03	291	0.03	291	0.03	291
CM9	15.23	1852:07	5.0	0.5	0.03	291	0.03	291	0.03	291	0.03	291	0.03	291	0.03	291
CM10	16.30	1852:07	5.0	0.5	0.03	291	0.03	291	0.03	291	0.03	291	0.03	291	0.03	291
CM11	17.40	1852:07	5.0	0.5	0.03	291	0.03	291	0.03	291	0.03	291	0.03	291	0.03	291
CM12	18.40	1852:07	5.0	0.5	0.03	291	0.03	291	0.03	291	0.03	291	0.03	291	0.03	291

Current Meter Locations (ING)	
Eastng	Northng
CM01	66740
CM02	66740
HW	07:54:00
LW	14:03:00

High Water and Low Water sets taken from tide gauge nearby for need of current data for 07:54:00

Water level is reported by the tide gauge from which it originates.
 Current direction is reported in degrees magnetic (true angles to the true) and is in degrees of the bearing.

Project PH 12032
 Location Muscel Farm Development Aquaculture Application
 Client: Dusanmanu Bay Mussels
 CM 02
 Date: 18th Oct 2012

Location	Wind Sp/dirn km/hr *Note 1	Time (BST)	Tidal State	Depth 1 (1m BWL)		Depth 2 (5m BWL)		Depth 3 (10m BWL)		Depth 4 (15m BWL)		Depth 5 (20m BWL)		Depth 6 (25m BWL or 1m above bed)	
				Current S (m/sec)	Dirn deg.m	Current S (m/sec)	Dirn deg.m	Current S (m/sec)	Dirn deg.m	Current S (m/sec)	Dirn deg.m	Current S (m/sec)	Dirn deg.m	Current S (m/sec)	Dirn deg.m
CM2		07:47 (HW 07 54)HW		0.20	51	0.17	20	0.18	43	0.19	46.7	0.17	48.5	0.177	44.9
CM2		08:41 (HW 07 54)HW+1		0.21	46	0.16	4	0.21	14	0.277	27.6	0.24	34.4	0.25	30
CM2	10 km/hr NE	09:50 (HW 07 54)HW+2		0.26	32	0.33	24	0.27	3	0.303	22.9	0.292	29.7	0.291	25.5
CM2		11:08 (HW 07 54)HW+3		0.26	55	0.19	26	0.13	26	0.029	0	0.116	2.2	0.162	9.4
CM2	10 km/hr E	12:05 (HW 07 54)HW+4		0.25	54	0.40	21	0.35	21	0.386	19.5	0.352	17.6	0.353	20.5
CM2	7 km/hr NE	13:20 (HW 07 54)HW+5		0.05	137	0.19	57	0.21	55	0.109	37.6	0.137	29	0.127	88.1
CM2	No notable wind	14:11 (LW 14 03)LW		0.07	249	0.03	113	0.06	120	0.083	90.1	0.057	86.0	0.027	274.2
CM2	No notable wind	15:01 (LW 14 03)HW-5		0.07	273	0.29	93	0.23	93	0.227	109.7	0.145	37.4	0.103	29
CM2	No notable wind	15:51 (LW 14 03)HW-4		0.07	303	0.09	157	0.10	116	0.1	87.4	0.057	27.2	0.141	86.6
CM2	No notable wind	17:00 (LW 14 03)HW-3		0.02	109	0.04	6	0.06	195	0.11	252.7	0.045	66.2	0.059	156.2
CM2	6 km/hr NW	18:10 (LW 14 03)HW-2		0.16	229	0.29	233	0.26	233	0.266	232.6	0.193	230.5	0.197	223

Current Meter Locations (ING)

	Easting	Northing
CM01	65737	36402
CM02	66730	36850

HW	07:54:03
LW	14:03:03

High Water and low Water data taken from tide gauge reading located at Duran's Pier on 18th Oct 2012

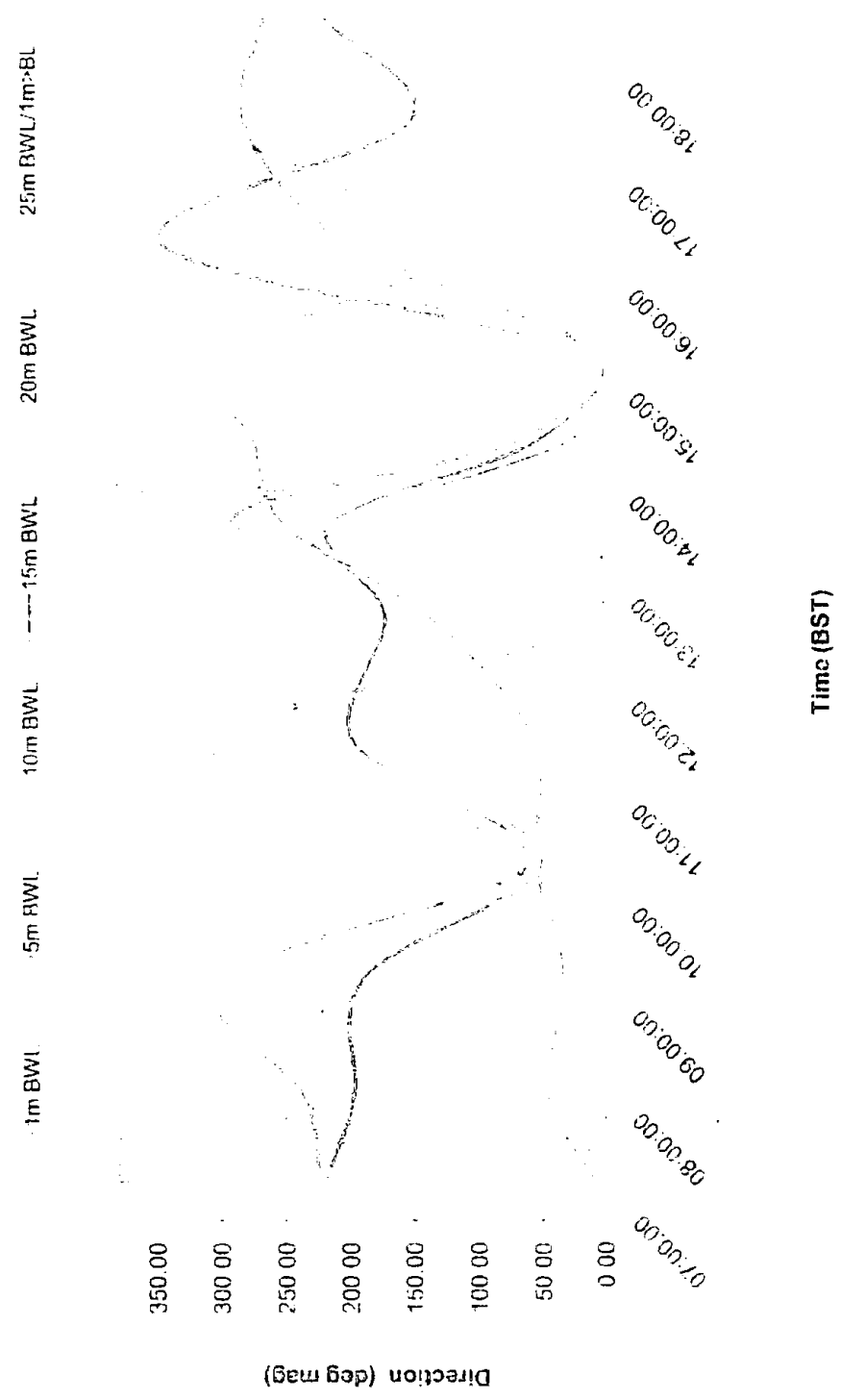
Note 1: Wind direction is reported by the direction from which it originates.

Note 2: Current direction is reported in degrees magnetic and refers to the direction in which the current is flowing.

Velocity Observations
CM 01 19th Oct 2012

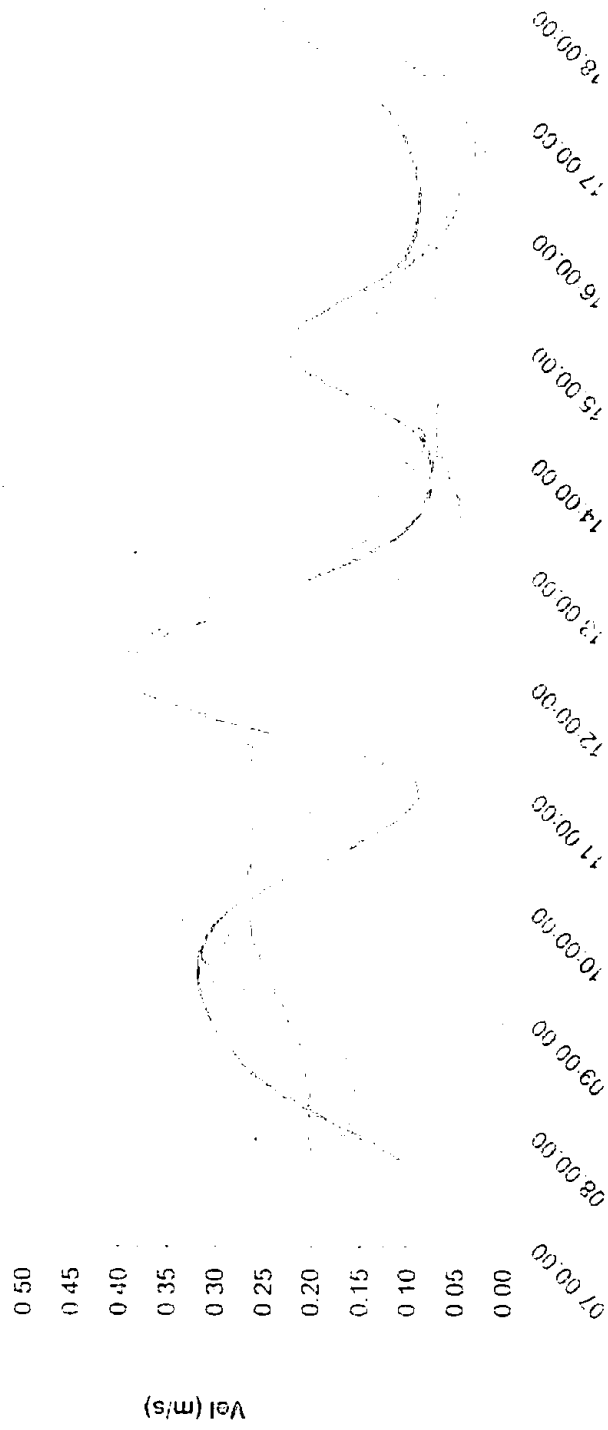


Current Direction Observations CM 01 19th Oct 2012



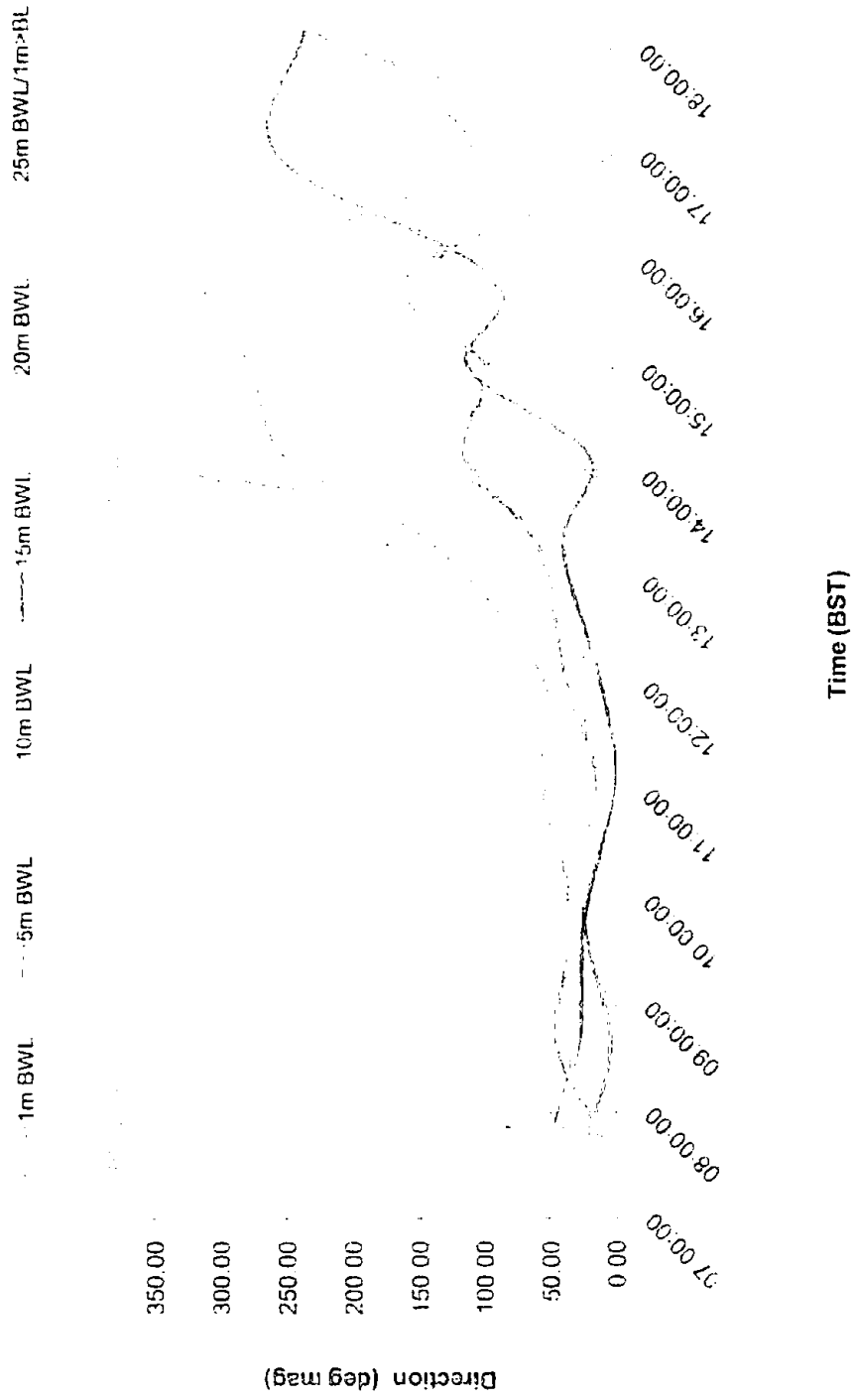
**Velocity Observations
CM 02 19th Oct 2012**

1m BWL 5m BWL 10m BWL 15m BWL 20m BWL 25m BWL/1m>BL



Time (BST)

Current Direction Observations CM 02 19th Oct 2012



4

TAB C

TS/590A

EIA SCREENING ASSESSMENT TS/590A

1. Applicant Details

Name
Address

Dunmanus Bay Mussels Ltd
Dromahair West
Bantry
Co Cork

2. Characteristics of Project

- a) Species cultivation proposed
- b) Method
- c) Production in intertidal zone
- d) Production beyond intertidal zone
- e) Source of seed/spat etc
- f) Is a non-native species to be cultivated?
- g) Annual Production Estimates - Tonnes

Blue Mussels (<i>Mytilus edulis</i>)
Longlines
No
Yes
Local spat collection on stockings
No
Year 1 0 tonnes
Year 2 190 tonnes
Year 3 250 tonnes
Year 4 250 tonnes

3. Location of Project

- a) File No.
- b) No. of sites
- c) Location
- d) Hectares
- e) Shellfish Waters Designation
- f) If yes, identify area as per S.I. 268 of 2006/S.I. 55 of 2009
- g) Natura 2000 site
- h) If yes, identify site and type

4. Development Plan

TS/590A
1 site
Dunmanus Bay CoCork
Site 26.25 Ha
No
No
No
Yes
Cork County Development Plan

If yes, identify relevant sections
If yes, period covered

Section 6. Economy and Employment. Section 6.11.1 Commercial Fishing and aquaculture represent an important economic activity in rural coastal areas. This plan supports the provision of appropriate harbour infrastructure that facilitates a modern and innovative fishing industry. 6.11.2 The council recognises and will continue to support the sustainable development of the aquaculture industry in order to maximise its contribution to employment and the economic well being of rural communities and the economic well being of the county. This plan also recognises the important role aquaculture can play on the diversification of rural areas.
2014 -2020

T5/590A

b) Local Area Plan

If yes, identify relevant sections
c) Other

If yes, please specify and identify relevant sections

EIA SCREENING CHECKLIST

Is it an ANNEX II project of EIA directive 85/337/EEC?

Is the project located on or adjacent to a Natura 2000 area?
If yes, has the appropriate assessment been carried out?

Yes	2014-2020
Yes	Dunry Electoral Area Local Area Plan, Second Edition, January 2015 Local Area Strategy – Vision - 2.2.4 The economic strength of the Electoral Area is characterised by the natural and coastal resources, in particular the fishing industry, aquaculture, agriculture and tourism. This strategy aims to promote the further growth and development of these sectors which will in turn stimulate economic growth in the wider region. There are also opportunities within the Electoral Area for the promotion and development of further economic diversification measures.
YES	Yes: The project is not located within a Natura 2000 site but is located within 15km of the Sheep's Head SAC (Site Code 000102), the Sheep's Head SPA (Site Code 004156), Farnhamagh Lough SAC (Site Code 002189), Recen Point Shingle SAC (Site Code 002281) and Dunbeacon Shingle SAC (Site Code 002280)
Yes: AA Screening has been carried out	

T5/590A

1. CHARACTERISTICS OF THE PROJECT - ANNEX III (1)

	Yes/No - Briefly describe	Is this likely to result in a significant effect? Yes/No? - Why
(a) Size of project Will the project be out of scale with the existing environment?	The project is not out of scale, the site is 26.25 Ha in context of the large body of coastal waters within which it is located.	
Will it lead to further consequential development or works (e.g. new roads, landing facilities, provision of new water supply)?	No. It will use existing infrastructure. No new additional infrastructure is required.	
(b) Cumulation with other development Are there potential cumulative impacts with existing aquaculture projects or with other licensed aquaculture projects but which have not yet begun?	Yes. There are other licensed aquaculture operations in the area, producing Mussels, Oysters and sea urchins. There are potential visual, navigational and benthic impacts.	No. The site is located circa 3.5km from the nearest licensed aquaculture site. The visual impacts will be covered by licence conditions relating to orientation of site, length of line, colour of flotation barrels etc. A group navigational marking scheme will be in operation providing a safe system of navigation for all marine users. Benthic impact is confined to the footprint of the sites.
Are there potential cumulative impacts with existing foreshore projects or with foreshore projects licensed but which have not yet begun?	No	No.
Should the application for this project be regarded as an integral part of a more substantial project? If so, can related projects which are subject to separate applications proceed independently?	No.	

I. CHARACTERISTICS OF THE PROJECT - ANNEX III (I) con'		
(c) Use of natural resources	Yes/No - Briefly describe	Is this likely to result in a significant effect? Yes/No? - Why
<p>Will installation or operation of the project use natural resources such as land, water, materials or energy, especially any resources which are non-renewable or in short supply?</p> <ul style="list-style-type: none"> • land (especially undeveloped or agricultural land)? • water? • energy including electricity and fuels? • any other resources? 	<p>Yes. The cultivation of mussels on the foreshore will use naturally occurring marine phytoplankton present in the seawater in the area.</p>	<p>No. High levels of plankton occur naturally at the location and shellfish cultivation at this scale will not result in limiting plankton growth or abundance.</p>
<p>(d) Production of waste</p> <p>Will the project produce wastes during installation or operation or decommissioning?</p> <ul style="list-style-type: none"> • municipal waste (household and/or commercial)? • surplus product? • construction or demolition wastes? • redundant machinery or equipment? • any other solid wastes? • liquid or solid wastes in suspension? 	<p>Yes. The cultivated shellfish will produce faeces and pseudofaeces. Grading and removal of mortalities will result in shells being discarded</p>	<p>No. The area impacted by faeces and pseudofaeces produced will be limited to the area of the site. The site is well flushed and build up of excess organic matter with subsequent reduction in oxygen is not considered likely. Amounts of discarded shells will be small and build up of excess on site will not be permitted. Discarding of damaged or other materials will not be permitted into the sea or on the foreshore.</p>

<p>I. CHARACTERISTICS OF THE PROJECT - ANNEX III (I) cont'd</p> <p>(e) Pollution and nuisances</p> <p>Will the project release pollutants or any hazardous, toxic or noxious substances to air?</p> <p>Emissions from:</p> <ul style="list-style-type: none"> • combustion of fossil fuels from stationary or mobile sources? • construction activities including plant & equipment? • any other sources? <th data-bbox="1125 850 1181 1315"> <p>Yes/No - Briefly describe</p> <th data-bbox="1125 1315 1181 1837"> <p>Is this likely to result in a significant effect? Yes/No? - Why</p> </th></th>	<p>Yes/No - Briefly describe</p> <th data-bbox="1125 1315 1181 1837"> <p>Is this likely to result in a significant effect? Yes/No? - Why</p> </th>	<p>Is this likely to result in a significant effect? Yes/No? - Why</p>
<p>Will the project cause noise and vibration or release of light?</p> <ul style="list-style-type: none"> • from operation of equipment e.g. engines? • from blasting or piling? • from construction or operational traffic? • from lighting or other systems? • from any other sources? 	<p>Yes. There will be emissions associated with the husbandry and harvesting of shellfish from boats and other machinery but will not have significant effect. There will be no release to the air of other hazardous, toxic or noxious pollutants.</p>	<p>No.</p>
<p>(f) Risk of accidents, having regard in particular to substances or technologies used</p> <p>Will there be any risk of accidents during installation or operation of the project which could affect human health or the environment?</p>	<p>Yes. There will be noise associated with the husbandry and harvesting of the shellfish e.g. use of boats and other machinery.</p>	<p>No. Noise levels will not be significant.</p>
<p>Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes. There will be risk of physical injury while working on the site but no risk to human health</p>	<p>No. The risk of on-site accidents is considered to be minor.</p>
<p>Will the project involve use, storage, transport, handling or production of substances or materials which could be harmful to people or the environment (flora, fauna, water supplies)?</p>	<p>No. No chemicals or hazardous substances will be used during the production process.</p>	<p>No. The risk of spillage is minor and the likely impact would be minor given the quantities of fuel involved.</p>

<ul style="list-style-type: none"> • use of hazardous or toxic substances? • potential changes in occurrence of disease or effect on disease carriers (e.g. insect or water borne diseases)? 		
<p>CHARACTERISTICS OF THE PROJECT - ANNEX III (1) cont'd</p> <ul style="list-style-type: none"> • f) Will installation, operation or decommissioning of the project involve actions which will cause physical changes in the locality (topography, land use, changes in waterbodies, etc)? <ul style="list-style-type: none"> • dredging? • coastal structures (seawalls, piers)? • offshore structures? • facilities for storage of goods or materials? • facilities for treatment or disposal of solid wastes or liquid effluents? • new road, rail or sea traffic during construction or operation? • new road, rail, air, waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc? • closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements? • new or diverted transmission lines or pipelines? • transport of personnel or materials for construction, operation or decommissioning? • decommissioning or restoration works? • introduction of alien species? • loss of native species or genetic diversity? • any other changes? 	<p>Yes. Longlines will be placed on the foreshore, held in position by anchors on the seabed.</p>	<p>No. The development can be considered as minor and reversible as all structures can be removed and no new infrastructure is required.</p>
<p>(h) Inherent social changes Will the project result in social changes, for example, in demography, traditional lifestyles, employment?</p>	<p>Yes. There is scope for a small increase in employment.</p>	<p>No. The impact is beneficial but not significant.</p>

<p>2. LOCATION OF THE PROJECT - ANNEX III (2)</p> <p>(a) Existing land use</p> <p>Are there existing land uses on or around the location which could be affected by the project, e.g. homes, gardens, other private property, industry, commerce, recreation, public open space, community facilities, agriculture, forestry, tourism, water catchments, functional floodplains, mining or quarrying?</p> <p>Are there any areas on or around the location which are occupied by sensitive land uses e.g. hospitals, schools, places of worship, community facilities, which could be affected?</p> <p>Is the project located in a previously undeveloped area?</p>		<p>No. Territorial land uses will not be affected and there is no spatial overlap with other users of the foreshore.</p>	
<p>(b) Relative abundance, quality and regenerative capacity of natural resources in the area</p> <p>Are there any areas on or around the location which contain important, high quality or scarce resources which could be affected by the project?</p> <ul style="list-style-type: none"> • groundwater resources • surface waters • fisheries • tourism 		<p>No.</p>	
<p>Are there any areas on or around the location which are protected under international or national or local legislation for their ecological, landscape, cultural or other value, which could be affected by the project?</p>		<p>No.</p>	
<p>2. LOCATION OF THE PROJECT - ANNEX III (2) cont'd</p> <p>Are there any other areas on or around the location which are important or sensitive for reasons of their ecology?</p>		<p>No.</p>	
		<p>Yes. There is fishing, tourism and marine leisure in the area.</p>	<p>No. Significant impacts are not considered likely.</p>

T5/590A

<ul style="list-style-type: none"> • wetlands, watercourses or other waterbodies? • the coastal zone? • mountains, forests or woodlands? nature reserves and parks? 		
<p>c) Absorption capacity of the natural environment cont'd</p> <p>Are there any areas on or around the location which are used by protected, important or sensitive species of fauna or flora e.g. for breeding, nesting, foraging, resting, overwintering, migration, which could be affected?</p>	<p>No. Site T05/590A is located circa 2.2 Km from the nearest boundary of the Sheep's Head SAC, 3Km from the nearest boundary of the Farranmanagh Lough SAC, 4.2Km from the nearest boundary of the Reen Point Shingle SAC, 4.8Km from the nearest boundary of the Sheep's Head to Tow Head SPA and 5.3Km from the nearest boundary of the Donbegon Shingle SAC</p>	<p>No</p>
<p>2. LOCATION OF THE PROJECT - ANNEX III (2)</p>		
<p>cont'd</p> <p>Are there any inland, coastal, marine or underground waters on or around the location which could be affected?</p>	<p>No</p>	
<p>Are there any groundwater source protection zones or areas that contribute to the recharge of groundwater resources?</p>	<p>No</p>	
<p>Are there any areas or features of high landscape or scenic value on or around the location which could be affected?</p>	<p>Yes. The site is adjacent to scenic routes (S106 S107 & S108). The site is also adjacent to very high value scenic routes. The roadway is also part of the Wild Atlantic Way, a coastal tourism route along the west coast of Ireland.</p>	<p>No. In general, views of the mussel longline sites are obscured and limited from the scenic routes.</p>
<p>Are there any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected?</p>	<p>No. Public access to recreational and other activities will not be significantly impacted by the project.</p>	
<p>Is the project in a location where it is likely to be highly visible to many people?</p>	<p>No. Population densities are low in the region</p>	
<p>Are there any areas or features of historic, cultural or archaeological importance on or around the location which could be affected?</p>	<p>No.</p>	<p>No.</p>
<p>Are there any areas on or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded.</p>	<p>No. Sea Urchins and mussels in this area currently have an "A" and "B" Classification respectively under Annex II of the EU Regulation</p>	

T5/501A

Which could be affected?	HS4/2004
Is the area densely populated?	No
Is the location of the project susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions e.g. temperature inversions, logs severe winds, which could cause the project to present environmental problems?	No

On the basis of the above the consensus of the screening group is that the proposed aquaculture is not likely to have significant effects on the environment and that an Environmental Impact Statement is not required for this project.

EIA SCREENING GROUP COMPRISES OF MEMBERS FROM: THE MARINE INSTITUTE THE DEPARTMENT'S MARINE ENGINEERING DIVISION BORD IASCAIGH MHARA REPRESENTATIVES OF THE DEPARTMENT'S AQUACULTURE AND FORESHORE MANAGEMENT DIVISION	Dated <i>[Signature]</i>
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Ministerial Determination in relation to EIS requirements for an application for an Aquaculture Licence for the cultivation of shellfish by Dunmanus Bay Mussels Ltd in Dunmanus Bay, Co. Cork.(Site Ref:T5/590A)

I, Michael Creed, Minister for Agriculture, Food and the Marine in accordance with the requirement of Regulation 5(2) of the Aquaculture (Licence Application) Regulations, 1998 have considered whether this Aquaculture Licence application to culture shellfish is likely to have a significant effect on the environment and would require the submission of an Environmental Impact Statement.

I have considered the proposed aquaculture activity, and determined that it is not likely to have significant effects on the environment and that an EIS is not required in relation to this application for the reasons outlined below.

REASONS AND CONSIDERATIONS

I had regard to the provisions of:

- i. Regulation 5 of the Aquaculture (Licence Application) Regulations, 1998;
- ii. EIA Directives (codified by Council Directive 2011/92/EU) and amended by Council Directive 2014/52/EU;
- iii. The criteria specified in Annex III of Directive 2011/92/EU;
- iv. As the screening for this application commenced before the 16th May, 2017 (date for Member States implementation of the 2014 Directive), it is being carried out in accordance with the provisions of the 2011 Directive;
- v. The guidance contained in the European Commission documents entitled "Guidance on EIA, Screening" June 2001 and Interpretation of definitions of project categories of Annex I and Annex II of the EIA Directive (2015);

and also to the report and recommendations of the Department's Screening Group with particular reference to:

- a) the nature and scale of the proposed aquaculture activity – cultivation of Blue Mussels on longlines on a 26.3 ha site
- b) the limited magnitude and extent of the direct impacts arising from the proposed aquaculture activity
- c) the absence of any protected structures or recorded monuments in the area of the proposed aquaculture activity

- d) in general views of mussel longlines will be obscured and limited from the adjacent scenic routes
- e) the low visual impact of the proposed aquaculture activity
- f) the non-use of toxic or hazardous substances as part of the proposed aquaculture activity
- g) the minor risk of accidents occurring as result of the proposed aquaculture activity
- h) the low risk of impacts on navigational safety
- i) the minimal impact on recreational use of the adjoining foreshore
- j) Appropriate Assessment Screening for aquaculture activities in Dunmanus Bay, Co. Cork - July 2017.

3rd October 2017.



00157-18: Recommendation to Grant Aquaculture/Foreshore Licences for one site (T05/590A)

To: Minister	Author: Bernie McDonald
Status: For Review	Owner: Beamish. Cecil
Purpose: For Decision	Reviewers: ODonovan. Geraldine. Whelton. Batt. Quinlan. John. Beamish. Cecil
Division/Office: Coastal Zone Management	
Decision By:	

Action Required

Ministerial Determination on Aquaculture Foreshore Licensing Application (T05 590A)

Executive Summary

The Minister's determination is requested in relation to an application for an Aquaculture Licence from Dunmanus Bay Mussels Ltd, Dromduff West, Bantry, Co. Cork. The application is for the cultivation of mussels using longlines and ropes on Site T05/590A, totalling 26.25 hectares on the foreshore between Carbery Island and Drishane Point at outer Dunmanus Bay, Co. Cork. There is also a submission in respect of this application for a Foreshore Licence, for the Minister's consideration.

The applicant submitted a similar application previously for a slightly larger site at this location (reference T05/503). The licences were approved by the Minister at the time (December 2011) but were appealed by third parties to the Aquaculture Licences Appeals Board (ALAB) and their appeals were upheld mainly on site suitability grounds and an insufficient flushing rate. However, the applicant's technical advisers and the Department's technical and scientific advisers do not concur with this view and have stated that the site is a suitable location for the operation of a suspended rope mussel culture facility and contend that there is no evidence to support the claim that the flushing rates at the site are insufficient.

This revised application (T05/590A) is for a slightly modified, smaller site. It is recommended that the Minister determines that the Aquaculture/Foreshore Licences be granted for the reasons outlined in the 'Detailed Information' section below.

Comments

- (26 03 2018 10:48:10) John Quinlan: Recommended for approval please.
- (26 03 2018 10:22:54) Batt Whelton: I agree with the recommendation that Aquaculture and Foreshore licences be granted for this application.
- (26 03 2018 10:04:16) Geraldine O'Donovan: I recommend the granting of licences for this site (T05/590A) as outlined in the Aquaculture and Foreshore Licence Submissions.

Detailed Information

Recommendation to Grant an Aquaculture Licence (T05/590A)

DECISION SOUGHT

The Minister's determination is requested please in relation to the application for an Aquaculture Licence from Dunmanus Bay Mussels Ltd, Dromduff West, Bantry, Co. Cork for a site numbered T05/590A on the foreshore between Carbery Island and Drishane Point at outer Dunmanus Bay, Co. Cork.

A submission is also attached in respect of the application for a Foreshore Licence. 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 the following submission (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.

The applicant, Dunmanus Bay Mussels Ltd, submitted a similar application previously (reference T05/503) for the cultivation of mussels using longlines and ropes on a slightly larger site (30.35 hectares) on the foreshore between Carbery Island and Drishane Point at outer Dunmanus Bay, Co. Cork. The licences were approved by the Minister at the time (December 2011) but were appealed by third parties to the Aquaculture Licences Appeals Board (ALAB) and their appeals were upheld mainly on site suitability grounds and an insufficient flushing rate. This revised application (T05/590A) is for a slightly modified, smaller site and an Environmental Report and Supplementary Information were submitted with the licence application.

APPLICATION FOR AN AQUACULTURE LICENCE

An application for an Aquaculture Licence has been received from the applicant, Dunmanus Bay Mussels Ltd (in conjunction with an application for a Foreshore Licence). The application is for the cultivation of Mussels (*Mytilus edulis*) using longlines and ropes on Site T05-590A, totalling 26.25 hectares (see **TAB A**) on the foreshore between Carbery Island and Drishane Point at outer Dunmanus Bay, Co. Cork.

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.

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

This 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 (MED): MED have no objection to this application proceeding and stated that there was no evidence to suggest that flushing rates are an issue at this location. MED did raise a concern on visual impact grounds as the roadways adjacent to the site are designated as scenic routes and the site is also adjacent to very high value scenic landscapes as outlined in the Cork County Development Plan, 2014. MED had advised the applicant, in conjunction with BIM, to temporarily anchor four brightly coloured buoys at the corners of the proposed site so that MED could further assess the significance of the visual impacts of the proposed development. MED concluded that the views of the mussel longline site are obscured and limited from the scenic routes. The main visual impact will be observed from adjacent local holiday accommodation overlooking the site from elevated locations on the south shore of Dunmanus Bay. However, the applicant proposes to install single headrope longlines which are less visually intrusive and MED have stated that the proposed farm layout and type of structures adhere to the best practices outlined in the *Guidelines on Landscape and Visual Impact Assessment of Marine Aquaculture, 2001*.

Marine Survey Office: Stated no objection to this development from a navigational viewpoint.

Sea Fisheries Protection Authority (SFPA): Raised no objection from a fishery control or food safety perspective. The SFPA stated that the site should be properly marked and that the operator should facilitate access along the upper shore of Dunmanus Bay for other marine users.

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 (MI): The MI had no objection to the application. However, they noted that the applicant intends to source mussel seed stock for the site from natural spat settlement and that this will be collected locally. The MI recommends that the initial source of seed and other sources which may be used at any point in the future should be approved by the Department and that the applicant be required to draw up a contingency plan which shall identify methods for the removal from the environment of any non-target species introduced as a result of operations at this site. These concerns can be dealt with by way of licence conditions.

The MI stated that Site T05/590A is not located within a Natura 2000 site but is immediately adjacent to the Dunbeacon Shingle SAC and is located within 15kms of the Sheeps Head SAC, the Sheeps Head to Toe Head SPA, Reen Point Shingle SAC and the Farranamanagh Lough SAC. An Appropriate Assessment Screening was carried out by the MI for aquaculture activities in Dunmanus Bay in August 2017 and it concluded that aquaculture activities do not spatially overlap with the adjacent Natura 2000 sites and significant effects on the qualifying interests of the adjacent Natura 2000 sites were screened out.

Although Site T05/590A is not located within a designated Shellfish Growing Water Area, the MI stated that mussels in Dunmanus Bay have a "B" Classification under Annex II of EU Regulation 854/2004.

Commissioners of Irish Lights: No objection to the application.

Bord Iascaigh Mhara (BIM): BIM had no objection to this application and stated that they are satisfied that the proposed operation does not conflict with any other aquaculture or inshore fisheries interests in the area.

Department of Housing, Planning and Local Government (DHPLG): No comments received in respect of this application.

Department of Culture, Heritage and the Gaeltacht (DCHG): No comments received in respect of this application.

An Taisce: No comments received.

Inland Fisheries Ireland: No comments received.

Public Consultation

The application was publicly advertised using a composite public notice covering aquaculture and foreshore elements in "The Southern Star" on 28th October 2017. The application and supporting documentation were available for inspection at Durrus Garda Station and Bantry Garda Station for a period of 4 weeks following the publication in the newspaper.

There were **nine objections** (one with several signatures) received from the public consultation process. In broad terms, the concerns raised fell under the following headings:

Suitability of the Site -- There were comments that the site is overly exposed and that there is an inadequate flushing rate in the area.

MED have stated that the site is partially sheltered by Carbery Island and Furze Island located to the south west. The applicant proposes to use single headrope mussel longlines as this type of mussel longline is more suited to relatively exposed locations. A study of bathymetric and modelling data in Dunmanus Bay was commissioned by the applicant and carried out by Hydrographic Surveys Ltd which concluded that the flushing rate in the area is sufficient. MED and the Department's EIA Screening Group concur with this viewpoint.

Visual and Landscape Impacts -- The issue of significant visual and landscape impacts from the proposed development and subsequent negative impacts on tourism in the area were raised in many of the submissions.

MED assessed the visual and landscape impacts of this licence application. While the site is adjacent to designated scenic routes (S106, S107 and S108) and is also adjacent to very high scenic landscapes as outlined in the Cork County Development Plan, 2014, in general, views of the mussel longline site are obscured and limited from the scenic routes. The main visual impact will be observed from adjacent local holiday accommodation overlooking the site from elevated locations on the south shore of Dunmanus Bay. The structures will not be visible from Ahakista on the other side of Dunmanus Bay. The site will not be located near other farms, which reduces the impact on the landscape, in accordance with the *Guidelines on Landscape and Visual Impact Assessment of Marine Aquaculture, 2001*. The landscape character will not be dramatically altered as the development will integrate with the existing bay. The applicant has stated that all infrastructure will be installed below, at, or only slightly above water level and that the shore based activities will take place at the existing Durrus Pier and not in the vicinity of this site.

Impacts on Inshore Fishermen -- Concerns were raised about the impacts on inshore fishermen.

Angling and inshore fishing activities take place in Dunmanus Bay. BIM have confirmed that they are satisfied that the proposed operation does not conflict with any other aquaculture or inshore fisheries interests in the area. The SFPA did not raise any concerns from a fishery control or food safety perspective. The applicant has stated that they are willing to accommodate inshore fishermen to fish the area, an arrangement which currently exists between the applicant and inshore fishermen at their licensed sites in the inner Dunmanus Bay area.

Environmental Impact – There were concerns raised in submissions over the benthic impact and pollution effects from the operation of the site.

Mussels (*Mytilus edulis*) are filter feeders and remove toxins and bacteria from the water in which they inhabit. The applicant's technical advisers have stated that the proposed farm will not have a significant impact on the existing benthic community composition. The Department's EIA Screening Group did not consider it likely that the proposed aquaculture would have significant effects on the environment and the Minister determined that an Environmental Impact Statement was not required for this project. The applicant will be required to operate the site within the terms and conditions of the licences and to a standard of best practice. The applicant has stated that recyclable materials will be used during both the construction and operational phases, as far as possible.

Navigational Impact – Navigational concerns were raised in a number of the submissions.

The Marine Survey Office who is the body responsible for navigational matters had no objection to the proposed development. Local inshore vessels will be able to navigate between the southern side of the site and the shoreline. The applicant will be required to deploy navigation buoys to the satisfaction of the Department of Agriculture, Food and the Marine, the Marine Survey Office and the Commissioners of Irish Lights.

Amenity Impact – The potential impacts of the proposed development on public amenities and recreational usage of the area were also raised.

The site of the proposed development does not fall under the category of a designated bathing area. Technical advice is to the effect that the site should not affect bathing waters in the area or infringe unduly on other marine users.

Environmental Report and Supplementary Information provided by the Applicant and response to observations made during the consultation process

The applicant submitted a comprehensive *Environmental Report and Supplementary Information* (see **TAB F**) with their licence application which addresses many of the issues raised. The applicant also provided a detailed response following the consultation process. It is their opinion, supported by relevant technical assessment data from their technical advisers, that the site applied for is wholly suitable for the location and operation of a suspended rope

mussel culture facility. As outlined in their Environmental Report and relevant application documentation, the operation will not have any significant impact on the environment in Dunmanus Bay or interfere with existing beneficial usages of the local shore area.

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

Technical advice is to the effect that the waters are suitable for the cultivation of mussels and there is no evidence to suggest that flushing rates are an issue at this location.

- (b) other beneficial uses of the waters concerned

Public access to recreational and other activities can be accommodated by this aquaculture project. The proposed development does not conflict with any other aquaculture, angling or inshore fishing activities which take place in Dunmanus Bay.

- (c) the particular statutory status of the waters

- Natura 2000

*The proposed site is located in Dunmanus Bay, which is not a Natura 2000 area. However, it is immediately adjacent to the Dunbeacon Shingle Special Area of Conservation (SAC) and is located within 15kms of three other SACs and one Special Protection Area. An Appropriate Assessment Screening was carried out by the Department's scientific advisors who concluded that there will be no significant effects posed by the culture of shellfish at this current level, on any of the qualifying interests of the adjacent Natura 2000 sites (See Screening Matrix for Aquaculture Activities in Dunmanus Bay, Co. Cork in **TAB E**).*

- Shellfish Waters

Site T05 590A is located adjacent to the Dunmanus Inner Shellfish Growing Water Area. Results of monitoring in those waters do not indicate any water quality issues and there is no evidence of any deterioration. It will be necessary to extend this monitoring to outer Dunmanus Bay if the proposed farm is established.

- (d) the likely effects on the economy of the area

The proposed development will have a positive impact on employment as it will help support existing jobs and create new local employment opportunities. This will have a positive impact on the local economy as other indirect jobs will be supported.

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

The Department's technical advisers did not raise any issues from a fisheries perspective. The applicant is willing to accommodate inshore fishermen to continue to fish the area if the proposed farm is installed. The proposed development is not located within a Natura 2000 site and is sufficiently far removed so as not to cause a disturbance to habitats, flora and fauna in the surrounding area.

(f) the effect on the environment generally

The Minister is 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 a significant effect on the environment.

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

The Department of Culture, Heritage and the Gaeltacht did not make any observations on the development from an underwater archaeological perspective.

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**) to Dunmanus Bay Mussels Ltd, Dromduff West, Bantry, Co. Cork for the cultivation of mussels on Site T05/590A on the foreshore between Carbery Island and Drishane Point at outer Dunmanus Bay, Co. Cork, for a period of ten (10) years, in accordance with the terms and conditions of the attached draft 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 T05/590"

Dunmanus Bay Mussels Ltd has applied for an Aquaculture Licence and a Foreshore Licence for the cultivation of mussels on Site T05 590A, totalling 26.25 hectares on the foreshore between Carbery Island and Drishane Point at outer Dunmanus Bay, Co. Cork.

The Minister for Agriculture, Food and the Marine has determined that it is in the public interest to grant the Aquaculture and Foreshore 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) Technical advice is to the effect that the waters are a suitable location for the operation of a suspended rope mussel culture facility with adequate flushing rates;*
- b) There is no significant impact anticipated on existing beneficial usages of the local shore area;*
- c) In general, views of the mussel longline site are obscured and limited from the adjacent scenic routes;*
- d) The landscape character will not be dramatically altered as the development will integrate with the existing bay;*
- e) The aquaculture activity should have a positive effect on the economy of the local area;*
- f) The Minister has already determined that the aquaculture activity is not likely to have a significant effect on the environment and that an Environmental Impact Statement is not required for this project. The reasons and considerations for the Minister's determination are available on the Department's website;*
- g) The site is not located in a Natura 2000 area but is adjacent to the Dunbeacon Shingle Special Area of Conservation (SAC) and there are a number of other Natura 2000 sites in the vicinity, namely the Sheeps Head SAC, the Sheeps Head to Toe Head Special Protection Area, Reen Point Shingle SAC and the Farranamanagh Lough SAC. The proposed aquaculture activity does not spatially overlap with the Natura 2000 sites and there will be no significant effects posed by the culture of shellfish at this current level, on any of the qualifying interests of the Natura 2000*

sites (*The Screening Matrix for Aquaculture Activities in Dunmanus Bay is available on the Department's website*):

- h) *Taking account of recommendations requiring full implementation of the measures set out in the draft Marine Aquaculture Code of Practice prepared by Invasive Species Ireland;*
- i) *All issues raised during the public and statutory consultation phases;*
- j) *The updated and enhanced Aquaculture and Foreshore Licences contain terms and conditions which reflect the environmental protection required under EU and National law.*

Recommendation to Grant a Foreshore Licence (T05/590A)

DECISION SOUGHT

The Minister's determination is requested please in relation to an application for a Foreshore Licence from Dunmanus Bay Mussels Ltd, Dromduff West, Bantry, Co. Cork for a site numbered T05/590A on the foreshore between Carbery Island and Drishane Point at outer Dunmanus 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).

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.

The applicant, Dunmanus Bay Mussels Ltd, submitted a similar application previously (reference T05/503) for the cultivation of mussels using longlines and ropes on a slightly larger site (30.35 hectares) on the foreshore between Carbery Island and Drishane Point at outer Dunmanus Bay, Co. Cork. The Aquaculture Licence and accompanying Foreshore Licence were approved by the Minister at the time (December 2011) but appeals by third parties to the Aquaculture Licences Appeals Board (ALAB) were subsequently upheld on site suitability grounds. This revised application (T05/590A) for which it is proposed to conduct aquaculture on a slightly modified, smaller site was accompanied by an Environmental Report and Supplementary Information.

APPLICATION FOR A FORESHORE LICENCE

An application for a Foreshore Licence has been received from the applicant, Dunmanus Bay Mussels Ltd (in conjunction with an application for an Aquaculture Licence) relating to the occupation of the foreshore associated with the Aquaculture Licence application which covers Site T05 590.A, totalling 26.25 hectares (see **TAB A**) on the foreshore between Carbery Island and Drishane Point at outer Dunmanus Bay, Co. Cork.

LEGISLATION

Section 3 of the Foreshore Act, 1933 gives power to the Minister to license 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 technical experts and was also publicly advertised in a composite public notice covering both aquaculture and foreshore elements.

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

Department of Housing, Planning and Local Government (DHPLG): No comments received.

Technical Consultation

Marine Engineering Division (MED): MED have no objection to this application proceeding and stated that there was no evidence to suggest that flushing rates are an issue at this location. MED did raise a concern on visual impact grounds as the roadways adjacent to the site are designated as scenic routes and the site is also adjacent to very high value scenic landscapes as outlined in the Cork County Development Plan, 2014. MED had advised the applicant, in conjunction with BIM, to temporarily anchor four brightly coloured buoys at the corners of the proposed site so that MED could further assess the significance of the visual impacts of the proposed development. MED concluded that the views of the mussel longline site are obscured and limited from the scenic routes. The main visual impact will be observed from adjacent local holiday accommodation overlooking the site from elevated locations on the south shore of Dunmanus Bay. However, the applicant proposes to install single headrope longlines which are less visually intrusive and MED have stated that the proposed farm layout and type of structures adhere to the best practices outlined in the *Guidelines on Landscape and Visual Impact Assessment of Marine Aquaculture, 2001*.

Marine Survey Office: Stated no objection to this development from a navigational viewpoint.

Sea Fisheries Protection Authority (SFPA): Raised no objection from a fishery control or food safety perspective. The SFPA stated that the site should be properly marked and that the operator should facilitate access along the upper shore of Dunmanus Bay for other marine users.

Public Consultation

This application was publicly advertised using a composite public notice covering aquaculture and foreshore elements in "*The Southern Star* on 28th October 2017. The application and supporting documentation was available for inspection at Durrus Garda Station and Bantry Garda Station for a period of 4 weeks following the publication in the newspaper.

There were **nine objections** (one with several signatures) received from the public consultation process. In broad terms, concerns surrounded the suitability of the site, visual and landscape impacts, impacts on inshore fishermen, and environmental, navigational and amenity impacts.

The applicant submitted a comprehensive *Environmental Report and Supplementary Information* (see **TAB F**) with their licence application which addressed many of the issues raised. The applicant also provided a detailed response following the consultation process. It is their opinion, supported by relevant technical assessment data from their technical advisers, that the site applied for is wholly suitable for the location and operation of a suspended rope mussel culture facility. As outlined in their Environmental Report and relevant application documentation, the operation will not have any significant impact on the environment in Dunmanus Bay or interfere with existing beneficial usages of the local shore area.

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 a 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 Declaration in **TAB B**).

Recommendation

It is recommended that the Minister approves the granting of a Foreshore Licence (**TAB D**) to Dunmanus Bay Mussels Ltd, Dromduff West, Bantry, Co. Cork for a site numbered T05/590.A on the foreshore between Carbery Island and Drishane Point at outer Dunmanus 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 draft Aquaculture Licence, and in accordance with the terms and conditions of the attached draft Foreshore Licence.

Submitted for approval, please.

Bernie Mc Donald,
Aquaculture and Foreshore Management Division.

Related Submissions

There are no related Submissions.

User Details

Users with access to Submission

McDonald, Bernie
 ODonovan, Geraldine
 Whelton, Batt
 Quinlan, John
 Beamish, Cecil

Read receipt list

McDonald, Bernie
 BTSSP-SC
 ODonovan, Geraldine
 Whelton, Batt
 Quinlan, John

Action Logs

Created: 12/03/2018 12:48:27: Submission created by Bernie McDonald

Attachment removed: 13/03/2018 10:56:41: McDonald, Bernie removed attachment scan C.pdf

Sent For Review: 13/03/2018 11:52:44: Submission sent to Geraldine ODonovan for review by Bernie McDonald

Reverted to the Author: 23/03/2018 15:52:28: Submission reverted to Bernie McDonald by Geraldine ODonovan

Reason: Remove Tab C and Tab D please

Attachment removed: 23/03/2018 15:53:48: McDonald, Bernie removed attachment Tab C.pdf

Attachment removed: 23/03/2018 15:54:09: McDonald, Bernie removed attachment Tab D.pdf

Sent For Review: 23/03/2018 15:54:52: Submission sent to Geraldine ODonovan for review by Bernie McDonald

Access on Completion changed: 26/03/2018 09:39:35: Geraldine ODonovan changed access on completion to Limited Access

Sent For Review: 26/03/2018 10:05:19: Submission sent to Batt Whelton for review by Geraldine O'Donovan

Sent For Review: 26/03/2018 10:24:13: Submission sent to John Quinlan for review by Batt Whelton

Sent For Review: 26/03/2018 10:48:38: Submission sent to Cecil Beamish for review by John Quinlan

"Determination of Aquaculture/Foreshore Licensing Application – T05/590

Dunmanus Bay Mussels Ltd has applied for an Aquaculture Licence and a Foreshore Licence for the cultivation of mussels on Site T05/590A, totalling 26.25 hectares on the foreshore between Carbery Island and Drishane Point at outer Dunmanus Bay, Co. Cork.

The Minister for Agriculture, Food and the Marine has determined that it is in the public interest to grant the Aquaculture and Foreshore 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) Technical advice is to the effect that the waters are a suitable location for the operation of a suspended rope mussel culture facility with adequate flushing rates;*
- b) There is no significant impact anticipated on existing beneficial usages of the local shore area;*
- c) In general, views of the mussel longline site are obscured and limited from the adjacent scenic routes;*
- d) The landscape character will not be dramatically altered as the development will integrate with the existing bay;*
- e) The aquaculture activity should have a positive effect on the economy of the local area;*
- f) The Minister has already determined that the aquaculture activity is not likely to have a significant effect on the environment and that an Environmental Impact Statement is not required for this project. The reasons and considerations for the Minister's determination are available on the Department's website;*
- g) The site is not located in a Natura 2000 area but is adjacent to the Dunbeacon Shingle Special Area of Conservation (SAC) and there are a number of other Natura 2000 sites in the vicinity, namely the Sheeps Head SAC, the Sheeps Head to Toe Head Special Protection Area, Reen Point Shingle SAC and the Farranamanagh Lough SAC. The proposed aquaculture activity does not spatially overlap with the Natura 2000 sites and there will be no significant effects posed by the culture of shellfish at this current level, on any of the qualifying interests of the Natura 2000 sites (The Screening Matrix for Aquaculture Activities in Dunmanus Bay is available on the Department's website);*

- h) Taking account of recommendations requiring full implementation of the measures set out in the draft Marine Aquaculture Code of Practice prepared by Invasive Species Ireland;*
- i) All issues raised during the public and statutory consultation phases;*
- j) The updated and enhanced Aquaculture and Foreshore Licences contain terms and conditions which reflect the environmental protection required under EU and National law."*

(7)

12th April 2018

Our Ref: T05/590A

Mr Shane McCarthy
Cronin Millar Consulting Engineers
3 Westbourne Place
Cobh
Co. Cork

**FISHERIES (AMENDMENT) ACT, 1997 (NO.23)
NOTICE OF MINISTERIAL DECISION TO GRANT AN AQUACULTURE LICENCE
AND FORESHORE LICENCE.**

Dear Sir

I would like to inform you that the Minister for Agriculture, Food and the Marine has approved the granting to you of a 10-year Aquaculture Licences and an accompanying Foreshore Licence, for the cultivation of Mussels using longlines and ropes on site no. T05/590A (see attached information note.) I enclose a copy of the public notice of the decision which **the Department** has arranged to have published in "The Southern Star".


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

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

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

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

Yours sincerely


Brendan Farr
Aquaculture and Foreshore Management Division
National Seafood Centre, Clogheen, Clonakilty, Co. Cork
Phone: 023 8859514
Email: Brendan.Farr@agriculture.gov.ie

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

REFERENCE NO's: T05/590A

APPLICANT: Dunmanus Bay Mussels Ltd.

**AQUACULTURE TO WHICH
DECISION RELATES:** Mussels using longlines and ropes on site no.
T05/590A in outer Dunmanus Bay, Co.Cork

NATURE OF DECISION: Grant of Aquaculture Licence.

DATE OF DECISION: 10th April 2018

CONDITIONS OF LICENCE: See attached.

DURATION OF LICENCE: 10 years

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

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

Copy of Public Notice to be inserted in the Southern Star by the Department

FISHERIES (AMENDMENT) ACT, 1997 (NO. 23) AND FORESHORE ACT, 1933 (NO. 12) NOTICE OF DECISIONS TO GRANT AQUACULTURE AND FORESHORE LICENCES

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

File References	Applicants	Minister's Decisions	Species, No. of Sites and References
T05/473A	Mr. Jean Paul Mestre, 2 Fairy Hill, Monkstown, Co. Cork	Grant Renewal	Pacific Oysters using bags and trestles on the north shore of inner Dunmanus Bay, Co. Cork - 1 Site : T05/473A
T05/590A	Dunmanus Bay Mussels Ltd, Dromduff West, Bantry, Co. Cork	Grant	Mussels using longlines and ropes at outer Dunmanus Bay, Co. Cork - 1 Site : T05/590A

The reasons for these decisions are elaborated on the Department's website at:

<http://www.daf.gov.ie/en/decisions/foreshore-aquaculture-licences-granted-2015>
<http://www.daf.gov.ie/en/decisions/foreshore-aquaculture-licences-granted-2015>

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

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

NEWS IN BRIEF

'Enormous potential' of Chinese beef market is hailed by Minister Creed

Macra AGM for Bantry

The Macra AGM will be held in the Bantry Hotel on Monday evening. The meeting will be held from 7.30pm to 10.30pm. The agenda includes the election of officers for the coming year and a report on the activities of the Macra during the year. The Macra is a voluntary organisation of farmers in the Macra Region, which covers the parishes of Bantry, Ballyvaghan, and Ballyvaughan. The Macra is a member of the National Association of Macra Organisations (NAMO). The Macra is a very active organisation and has many projects and initiatives running in the region. The Macra is a very important organisation for the Macra Region and its members. The Macra is a very important organisation for the Macra Region and its members.

Farmers must get dividend

As a farmer, you should be entitled to a dividend from the Macra. The dividend is a share of the profits of the Macra and is paid to the members of the Macra. The dividend is a very important part of the Macra's income and is a very important part of the Macra's income. The dividend is a very important part of the Macra's income and is a very important part of the Macra's income. The dividend is a very important part of the Macra's income and is a very important part of the Macra's income.

Important meeting in Kilkenny

An important meeting will be held in Kilkenny on Monday evening. The meeting will be held from 7.30pm to 10.30pm. The agenda includes the election of officers for the coming year and a report on the activities of the Macra during the year. The Macra is a voluntary organisation of farmers in the Macra Region, which covers the parishes of Bantry, Ballyvaghan, and Ballyvaughan. The Macra is a member of the National Association of Macra Organisations (NAMO). The Macra is a very active organisation and has many projects and initiatives running in the region. The Macra is a very important organisation for the Macra Region and its members. The Macra is a very important organisation for the Macra Region and its members.

Any extra fodder to sell?

If you have any extra fodder to sell, you should contact the Macra. The Macra is a voluntary organisation of farmers in the Macra Region, which covers the parishes of Bantry, Ballyvaghan, and Ballyvaughan. The Macra is a member of the National Association of Macra Organisations (NAMO). The Macra is a very active organisation and has many projects and initiatives running in the region. The Macra is a very important organisation for the Macra Region and its members. The Macra is a very important organisation for the Macra Region and its members.

LETTER

TO THE EDITOR:

I am writing to you regarding the issue of the Macra AGM. The Macra is a very important organisation for the Macra Region and its members. The Macra is a very important organisation for the Macra Region and its members. The Macra is a very important organisation for the Macra Region and its members. The Macra is a very important organisation for the Macra Region and its members.

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Michael Creed TD Minister for Agriculture Food and the Marine

I am writing to you regarding the issue of the Macra AGM. The Macra is a very important organisation for the Macra Region and its members. The Macra is a very important organisation for the Macra Region and its members. The Macra is a very important organisation for the Macra Region and its members. The Macra is a very important organisation for the Macra Region and its members.

FISHERIES (AMENDMENT) ACT, 1997 (NO. 23) AND FORESHORE ACT, 1933 (NO. 12) NOTICE OF DECISIONS TO GRANT AQUACULTURE AND FORESHORE LICENCES

The following notices are given in accordance with the provisions of the Fisheries (Amendment) Act, 1997 (No. 23) and the Foreshore Act, 1933 (No. 12) in relation to the grant of aquaculture and foreshore licences.

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LISAVARD

A collection of various kitchenware and home appliances including kettles, toasters, blenders, and other small kitchen items. The items are displayed in a grid format with their respective prices and descriptions.

A collection of various furniture and home decor items including chairs, tables, lamps, and other home furnishings. The items are displayed in a grid format with their respective prices and descriptions.

DRAFT

9

T05/590A

AQUACULTURE LICENCE

AQUACULTURE MARINE
SHELLFISH LONGLINES

Dunmanus Bay Mussels Ltd

Dromduff West

Bantry

Co. Cork

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T05/590A

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:

Dunmanus Bay Mussels Ltd

Dromduff West

Bantry

Co. Cork

(hereinafter referred to as the "Licensee") for the cultivation of mussels on a site on the foreshore between Carbery Island and Drishane Point at outer Dunmanus Bay, Co. Cork as specified in Schedule 1 attached (numbered T05/590A) 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 XXXXXXXXXX 2018 provided for so long as the Foreshore Licence granted on XX XXXXXXXXXX 2018, 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 (26.25 hectares) (labelled T05/590.A) and outlined in red on the map(s) in *Schedule 1*.
- 1.2. The co-ordinates for the site are based on the Irish National Grid Co-ordinate System.

2. Species, Cultivation and Method Licensed

- 2.1. Species to be farmed: Mussels (*Mytilus Edulis*).
- 2.2. Method: Longlines – Suspended Rope Culture
- 2.3. The introduction of seed to the site shall comply with the legislation relating to fish health, except in the case of rope mussel farming where a natural mussel spat collection system is being applied.

3. Infrastructure and Site Management

Indemnity

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

Design, Arrangement and Maintenance of Structures

- 3.3. The Licensee shall ensure that the equipment (including all flotation, mooring and anchoring devices) is placed within the licensed area only. Storage or placement of equipment or stock on the foreshore or seashore outside the licensed area is not permitted under any circumstances.
- 3.4. The Minister may direct as to the deployment of apparatus, including number or orientation of longlines and flotation devices and their colour, within the site.
- 3.5. The Licensee shall obtain the prior approval of the Minister to any proposed material change to the plan/drawings or equipment as approved being used during the licensing period as specified in *Schedule 2* attached.

- 3.6. The Licensee shall at all times for the duration of the licence keep all equipment used for the purposes of the licensed operations in a good and proper state of repair and condition to the satisfaction of the Minister or other competent State authority.
- 3.7. The Licensee shall ensure that the ends of each longline in the licensed area legibly bear the Aquaculture Licence Number in an indelible weatherproof format.

Operational Conduct

- 3.8. The Licensee shall conduct its operations in a safe manner and with regard for other persons in the area and the environment and shall ensure that the operations are not injurious to adjacent lands or the public interest (including the environment) and do not interfere with navigation or other lawful activity in the vicinity of the licensed area, and shall comply with any lawful directions issued by the Minister and any other competent State authority in that regard.
- 3.9. The Licensee shall ensure that any aquaculture or other activity conducted under this licence does not adversely affect the integrity of the Natura 2000 network (if applicable) through the deterioration of natural habitats and the habitats of species and/or through disturbance of the species for which the area has been designated in so far as such a disturbance may be significant in relation to the stated conservation objectives of the site concerned.

Waste Management

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

Inspection

- 3.11. 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.
- 3.12. 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.

3.13. 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.

3.14. 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.

4.2. The Licensee shall ensure that the site is marked in accordance with the requirements of both the Marine Survey Office and the Commissioners of Irish Lights as specified in *Schedule 3*.

4.3. The Licensee shall comply with any specification requirement relating to navigational aids, flotation and mooring devices, supporting/marking posts/poles, as required by the Minister or any other competent State authority.

4.4. 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 hde@hde.hydro.gov.uk and the Licensee shall submit proof to the Department within 14 days of the date of this licence that the UK Hydrographic Office has been so informed.

5. Monitoring

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

6. Fish Health / Mortality Management / Movement of Fish

Fish Health Regulations

6.1. Before the site is stocked the Licensee shall ensure that a Fish Health Authorisation under statutory provisions giving effect to Council Directive No. 2006/88/EC, as amended, or any other legislative act that replaces that Directive on animal health requirements for aquaculture animals and their products, and on the prevention and control of certain diseases in aquatic animals, is in place.

Disposal of Mortalities

6.2. The Licensee shall dispose of dead fish in accordance with the applicable statutory provisions and requirements.

Movement of Fish

6.3. The Licensee shall comply with any regulations in force governing the movement of fish.

7. Duration. Cessation. Review. Revocation. Amendment. Assignment

Duration. Cessation

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

Review

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

Revocation. Amendment

7.3. Subject to the Act, the Minister may revoke or amend the licence if:-

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

Assignment

7.4. This Licence shall not be assigned without the prior written consent of the Minister and may not be assigned during the period of three years, dating from the commencement or renewal of this licence, unless the Minister determines that it may be assigned under condition 7(5) or the condition set out in 7(6) applies.

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

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

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

8. Fees

8.1. The Licensee shall pay to the Minister an annual aquaculture licence fee in accordance with the Aquaculture (Licence Application and Licence Fees) Regulations 1998 (S.I. No. 270/1998) as amended by the Aquaculture (Licence Fees) Regulations 2000 (S.I. No. 282 of 2000) or an amount payable under Regulations made under section 64 of the Act.

8.2. The Minister may revoke the licence where the Licensee fails to pay the aquaculture licence fees on demand.

9. General Terms and Conditions

9.1. The Licensee shall at all times comply with all laws applicable to aquaculture operations.

9.2. Any reference to a statute or an act of an institution of the European Union (whether specifically named or not) includes any amendments or re-enactments in force and all statutory instruments, orders, notices, regulations, directions, bye-laws, certificates, permissions and plans made, issued or given effect under such legislation shall remain valid.

9.3. If any condition or part of a condition in this licence is held to be illegal or unenforceable in whole or in part, such condition shall be deemed not to form part of this licence but the enforceability of the remainder of this licence is not affected.

9.4. The Licensee shall at all times hold all necessary licences, consents, permissions, permits or authorisations associated with any activities of the Licensee in connection with the licensed area.

Notification

9.5. Without prejudice to any other remedy under the licence or in law, if the Minister is of the view that the Licensee is in breach of any obligation under this licence, the Minister may, by notice in writing, require that the Licensee rectifies such breach, within such time as is specified by the Minister. The Licensee shall comply with any direction of the Minister within the time specified in the notice.

9.6. Any notice to be given by the Minister may be transmitted through the Post Office addressed to the Licensee at the last known address of the Licensee.

9.7. The Licensee shall notify the Minister within 7 days of any change in the Licensee's address, telephone, e-mail or facsimile number.

Tax Clearance Certificate

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

Companies and Co-operatives

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

Clearance of Site

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

SCHEDULE 1

Schedule 1 contains:

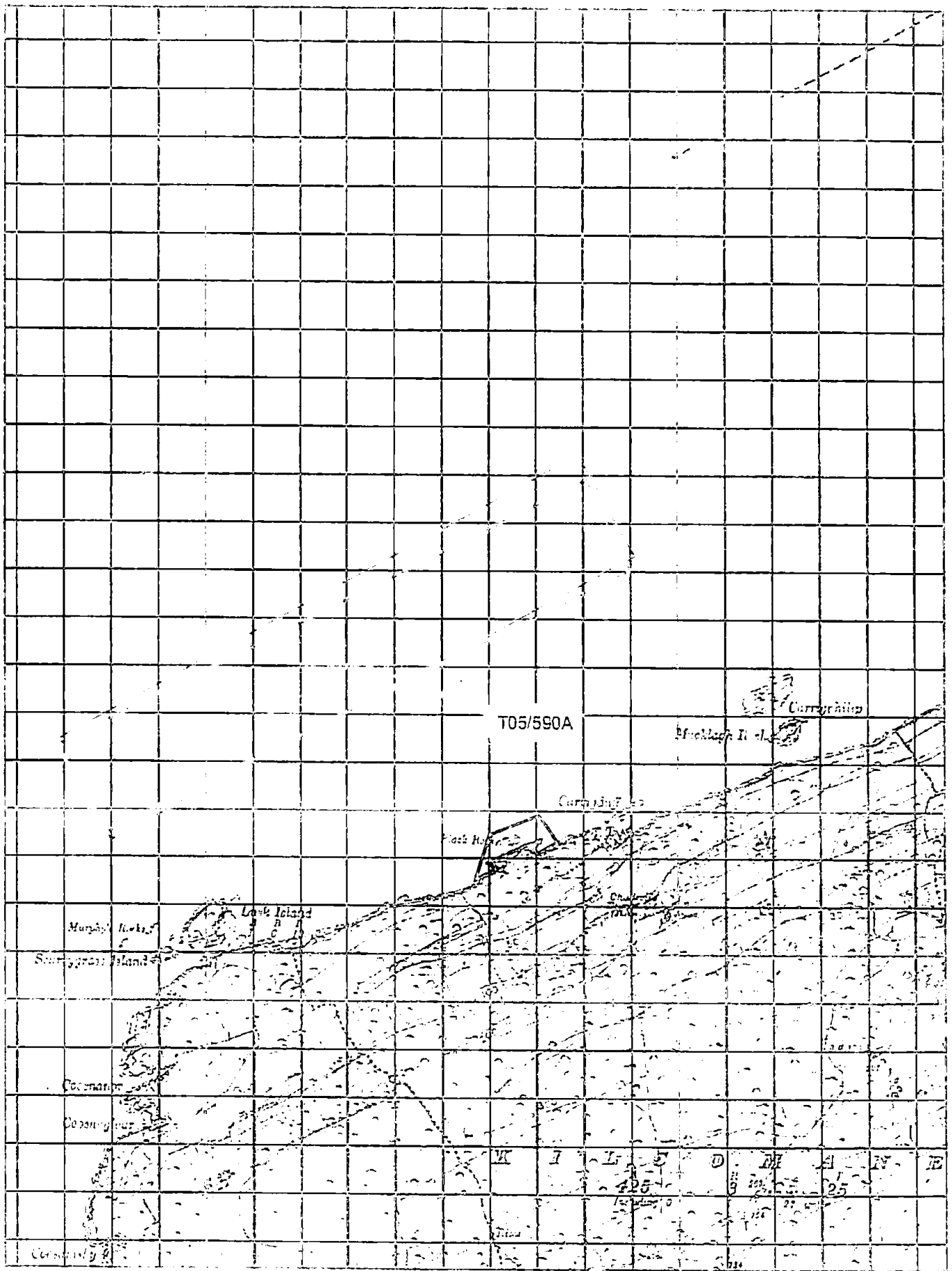
- **the co-ordinates of the site based on the Irish National Grid Co-ordinate System and the area of the site**
- **site map(s)**
- **a chart showing the location of the site in relation to the surrounding area.**

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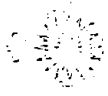
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SCHEDULE 2

Schedule 2 contains:

- **the approved plans and drawing(s)**
- A maximum number of 18 single headrope mussel longlines to be permitted on the site.
- Each floating mussel longline should be 220 metres maximum in length.
- The flotation barrels should be battleship grey in colour.

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SCHEDULE 3

Schedule 3 contains:

- requirements of the MSO and/or CIL
- 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, characteristic flash yellow every five seconds, nominal range two miles to be located at the two corners of the development adjacent to the channel and a yellow special mark buoy unlit on the two corners adjacent to the coastline.

The top mark should be constructed in the pattern approved by the Commissioners of Irish Lights.

SCHEDULE 4

Schedule 4 contains:

- **Special conditions applicable to this licence.**
- The Source of Seed must be approved by the Department of Agriculture, Food and the Marine.
- The applicant is required to prepare a Contingency Plan for the approval of the Department of Agriculture, Food and the Marine which should identify, inter alia, methods for the removal from the environment of any non-target species introduced as a result of operation at this site.

DRAFT

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Department of the Environment
Marine Management Division
P.O. Box 100
Marine Road
Cork, Ireland

T05/590A

FORESHORE LICENCE

Dunmanus Bay Mussels Ltd
Dromduff West
Bantry
Co. Cork

TABLE OF CONTENTS

TERMS AND CONDITIONS APPLICABLE TO FORESHORE LICENCE

SEAL OF OFFICE AND SIGNATURES

SCHEDULE 1

FORESHORE LICENCE IN RESPECT OF A SITE
(NUMBERED T05/590A) AT OUTER DUNMANUS BAY, CO. CORK

AGREEMENT made on the XX XXXXXX 2018, 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

Dunmanus Bay Mussels Ltd

Dromduff West

Bantry

Co. Cork

(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 between Carbery Island and Drishane Point at outer Dunmanus Bay, Co. Cork (numbered T05/590A) 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 XXXXXX 20XX, provided for so long as the Aquaculture Licence Number XXX granted on XX XXXXXX 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 € 63.49 (sixty three euro forty nine cent), such payment to be made on the XX day of XXXXXX 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.

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

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

WITNESS: _____

ADDRESS: _____

OCCUPATION: CIVIL SERVANT

SIGNED on behalf of Licensee _____

in the presence of:

WITNESS: _____

ADDRESS: _____

OCCUPATION: _____

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.**

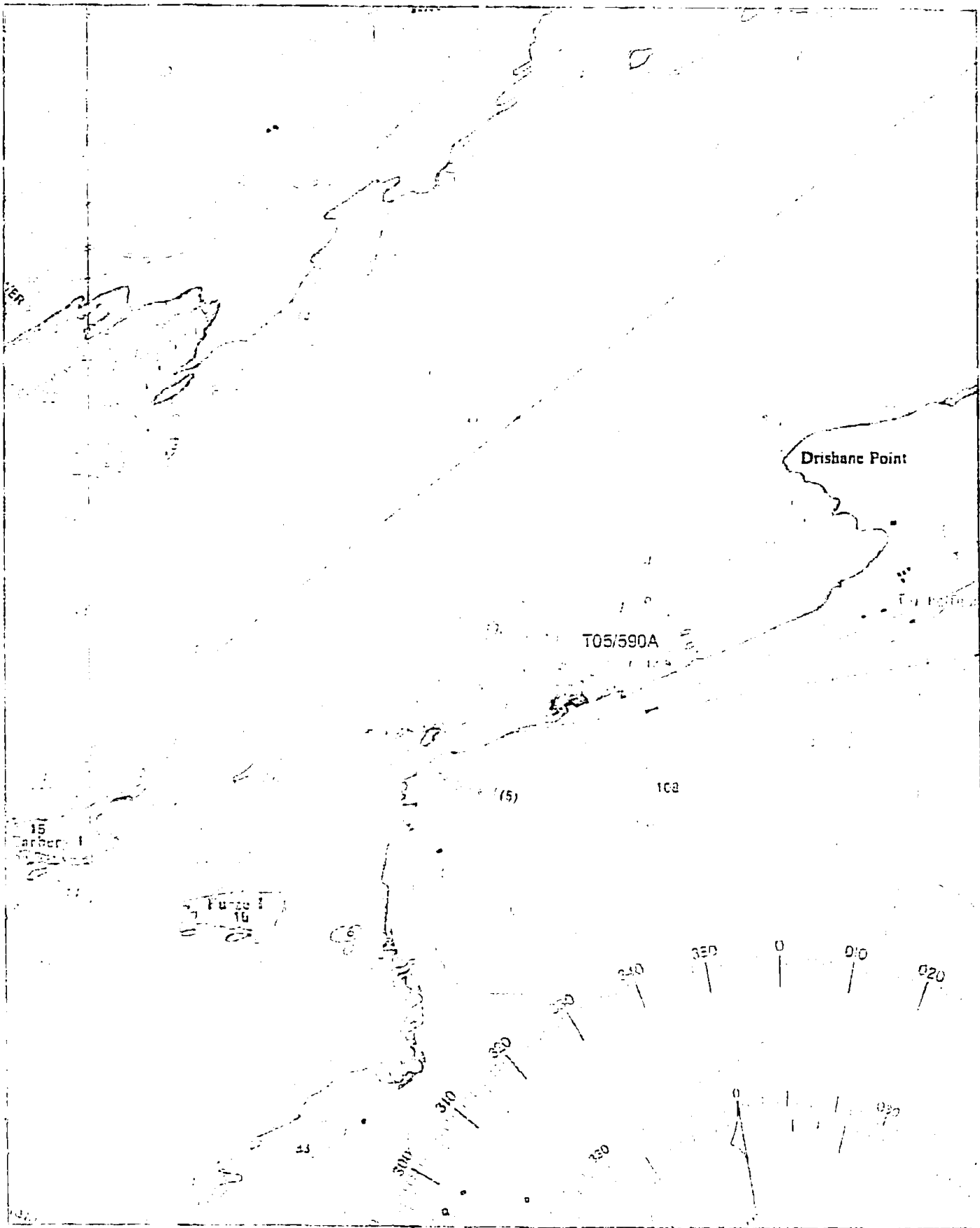
LAND SITE AT DUNNANE BAY CO. COBK

Coordinates & Area

Site TWS 590A 1243 Ha.

The area is divided into 100m x 100m grid squares. The following are the grid squares which are included in the site.

- 036083, 036084 - 100m x 100m Grid Square
- 036087, 036088 - 100m x 100m Grid Square
- 036091, 036092 - 100m x 100m Grid Square
- 036095, 036096 - 100m x 100m Grid Square
- 036099, 036100 - 100m x 100m Grid Square



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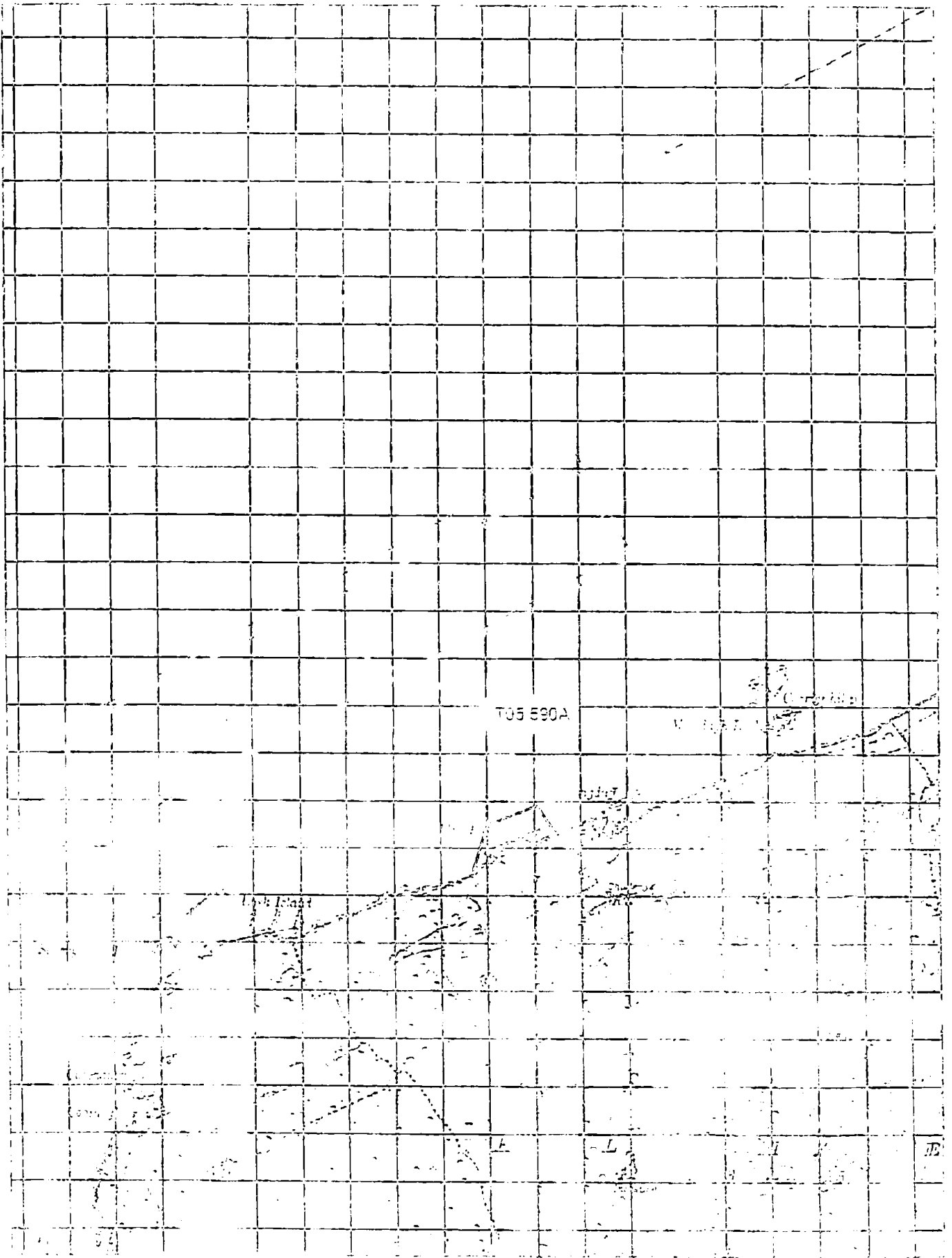
Sites highlighted in red denotes Application

Part of Admiralty Chart No 2552-0

Not to be used for navigation

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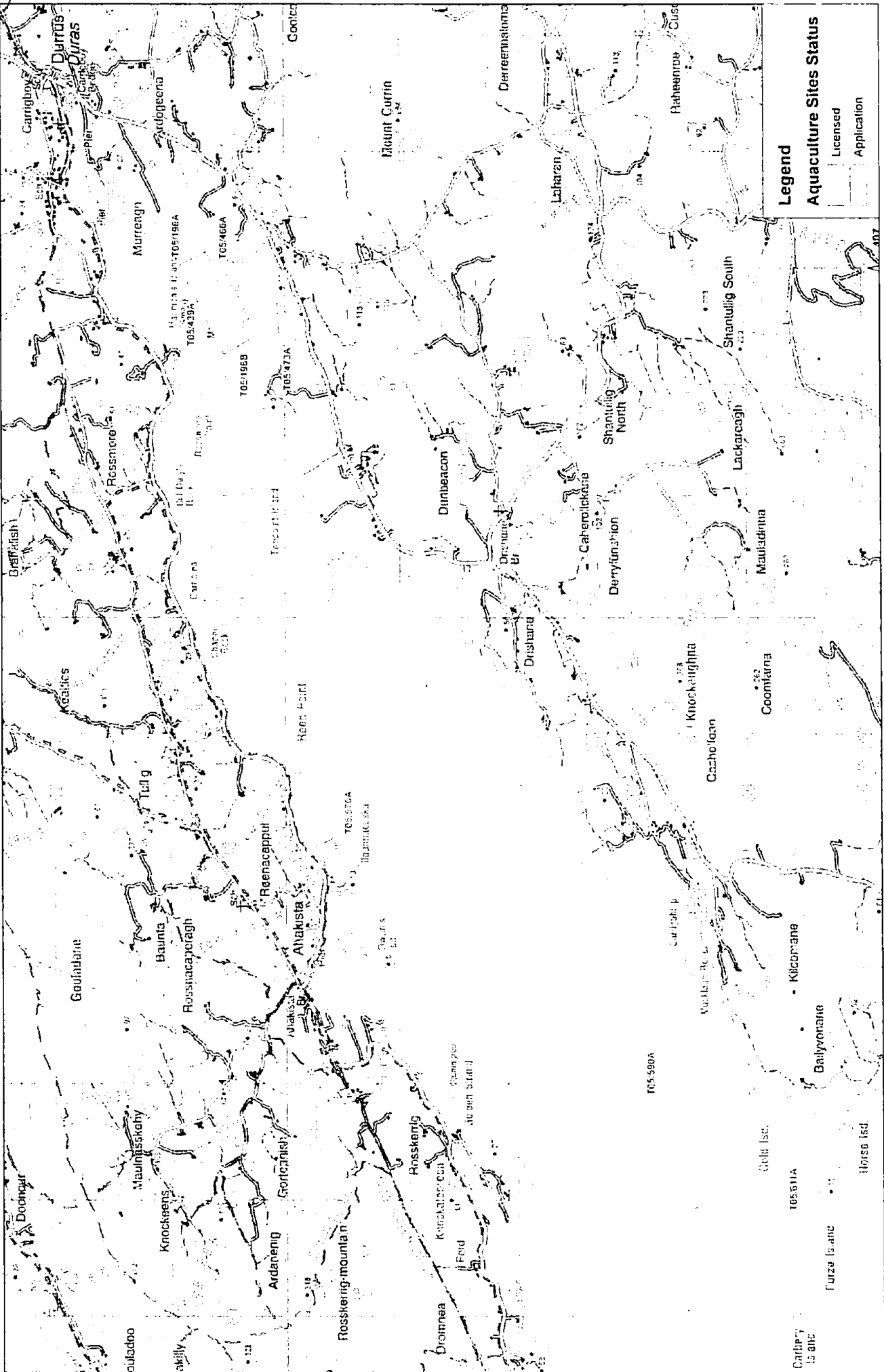
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**Aquaculture Areas,
Dunmanus Bay, County Cork**

Drawn by: Gearoid O'Shea, Engineer
Date: 02 July 2018
Scale: 1:30,000

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This map is a technical drawing and should not be used for navigation or other purposes without the permission of the author.

