



Marine Engineering Division

Report on Aquaculture Licence Application

Application Reference No: T06/295A

Report Prepared by: Gearoid O'Shea, Engineer

Date: 18 April 2018

Applicant: Templenoe Oysters Ltd.

Location: Dunkerron Harbour, Upper Kenmare Bay, Co. Kerry

Applicant Type: Renewal Aquaculture/Foreshore Licence

Site	T6/295A
Site Area (Ha)	1.4 Revised

Species: Pacific Oysters

Cultivation Method: Trestles & Net Bags

Intertidal/Non-Intertidal: Intertidal

Source of Seed / Spat: Irish Hatchery

Annual Production Estimates: 5 Tonnes

Shellfish Waters Designation: Yes No
Reference: Map 2: Kenmare River of December 2008

Environmental Designation: Yes No
Reference: Kenmare River SAC (Site Code: 2158)

Development Plans: Yes No
Reference: Kerry County Development Plan 2015-2021, Sec 8.4

Pre-Consultation Meeting: Yes No

Drawing Validation Sheet

OSI Maps

Yes No

Comment:

MED OSi Map, Revision Required

BA Chart

Yes No

Comment:

MED BA Chart, Revision Required

Farm Layout Drawing

Yes No

Directional Arrow	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Scale	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Title Block	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Date	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Comment:

Revised Layout Drawing Required following re-configuration

Drawings of structures

Yes No

Comment:

Typical Trestles & Net Bags Detail Drawing

Details of Proposed Navigation Marking

Yes No

Comment:

Site Access Indicated

Yes No

Comment:

Public roadway leading to site adjacent to Old Graveyard

Site Co-Ordinates Indicated

Yes No

Comment:

Revised co-ordinates proposed by MED

Site Overlap

Yes No

Comment:

Oyster Fishery Order Overlap

Yes No

Comment:



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



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

Site Suitability Assessment

Site Location

The site is located in relatively sheltered waters within Dunkerron Harbour, Upper Kenmare Bay, Co. Kerry. The site is adjacent to the N70 roadway from Kenmare to Sneem which is a part of the well-known Ring of Kerry.

Site Management

This application is for the renewal of existing aquaculture activity. The site is currently in use and is satisfactorily managed.

A significant portion of the site is unsuitable for the cultivation of oyster on trestles due to excessive water depths. I recommend the site be adjusted as per attached maps. The recommended site incorporates the existing oyster trestle structures. The number of hectares licensed to the applicant would be reduced from 2.0 to 1.4 hectares. The revised co-ordinates of the reduced area are listed below:

T6/295 Revised Co-Ordinates

85132m, 69371m to ING reference point

85089m, 69437m to ING reference point

85256m, 69500m to ING reference point

85300m, 69434m to the point first mentioned.

The boundary changes are not significant but the Marine Institute should be consulted regarding the impact on the Kenmare Bay Appropriate Assessment. GIS Mapping Section of MED should be requested to adjust the aquaculture database accordingly and reissue the appropriate maps for the relevant site.

Site Layout and Structures

The applicant proposes to use typical trestles and oysters bags to cultivate oysters.

Land Based Facilities / Site Access

The applicant already uses the adjacent public roadway to access the relevant site. No storage of trestles or equipment should be permitted at the road side or within the proposed site areas.

Navigation

The site was marked with “St. Andrews Cross” marks on poles when surveyed on 16/04/2018. The MSO should be consulted regarding providing a safe system of navigation for all marine users.

Visual Impact

The proposed sites are located within Dunkerron Harbour, Upper Kenmare. The adjacent stretch of roadway (N70) is a part of the famous Ring of Kerry and is also a part of the Wild Atlantic Way, a coastal tourism route along the west coast of Ireland.

In general, the views of the mussel longline sites are obscured and limited from scenic routes. There are a number of one-off housing developments overlooking the relevant site.

Impact / Cumulative Impact

The relevant site is adjacent to 2 No. existing oyster cultivation sites T6/179B and T6/201A. These aquaculture sites are also managed by the same operator. In my opinion, the cumulative impact is not significant. There is fishing and marine leisure in the area.

Marine Engineering Division has no objection to the licensing of this site subject to the above.



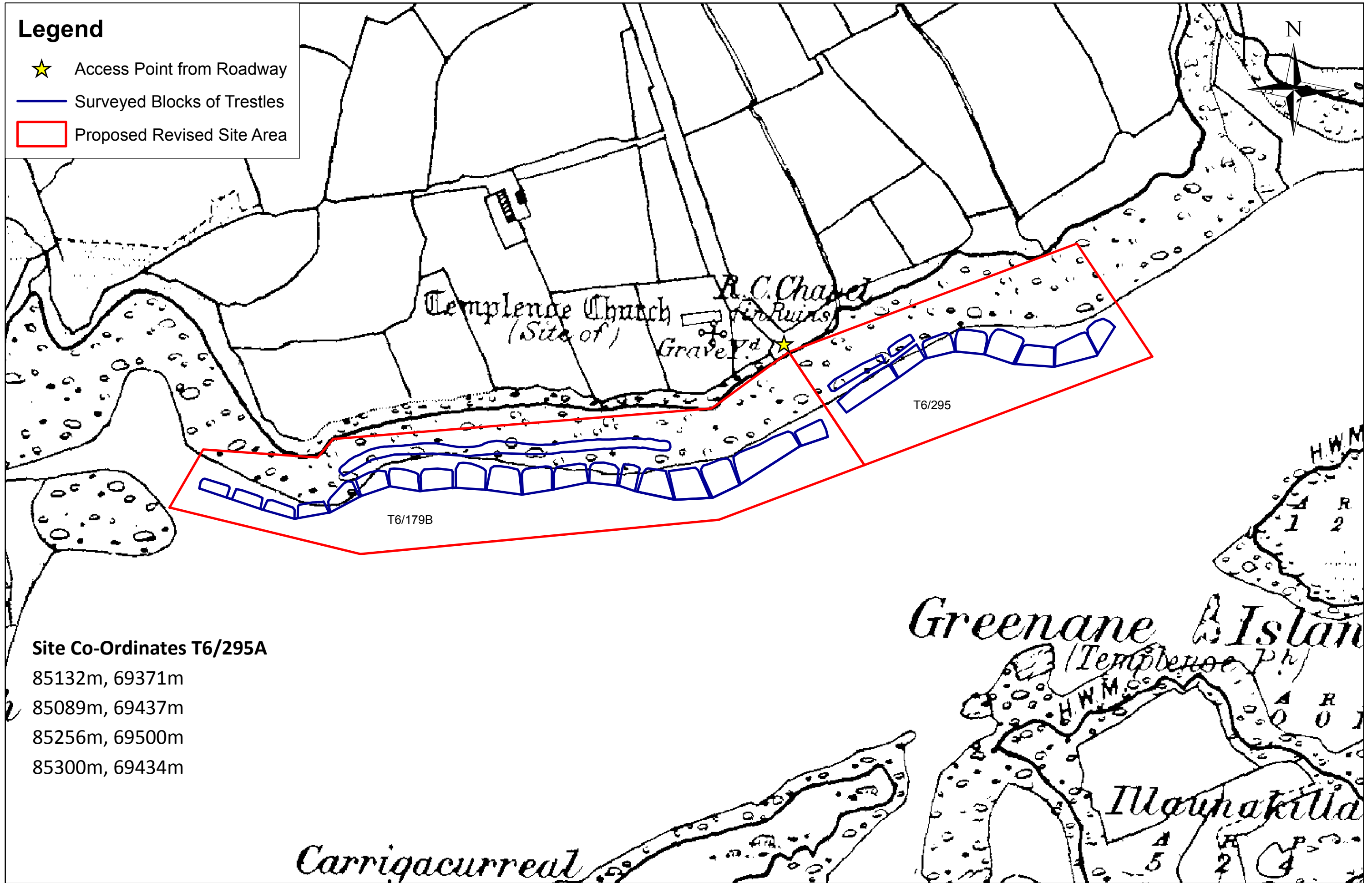
Wild Atlantic Way Route at Kenmare Bay



Photograph Site Reference T6/295A Looking West

Legend

- ★ Access Point from Roadway
- Surveyed Blocks of Trestles
- ▭ Proposed Revised Site Area



Site Co-Ordinates T6/295A

85132m, 69371m

85089m, 69437m

85256m, 69500m

85300m, 69434m

T6/295 Proposed Revised Site Area

Templenoe, Upper Kenmare Bay, Co. Kerry

From: Falvey, John
Sent: 25 July 2019 18:12
To: O'Keefe, Therese
Cc: Hodnett, Kevin; Duane, Paul
Subject: RE: Aquaculture Licence Applications in Inner Kenmare Bay and Templenoe Areas
Attachments: Sent from Snipping Tool

Therese

I refer to your email below.

I have been in further contact with the EPA in relation to the Kenmare WWT plant.

My understanding from the EPA is that the Kenmare plant is not scheduled to have an appropriate capacity until 2022 (See attached email)

This is despite the fact that under capacity issues were identified by the EPA in August of last year (see link to relevant EPA report below).

I also attach a press report on a relevant meeting of Kerry County Council at a further link below.

http://www.epa.ie/licences/lic_eDMS/090151b2806b1fb3.pdf

<https://www.radiokerry.ie/consultant-appointed-assess-potential-upgrades-kenmare-treatment-plant/>

Under the circumstances the SFPA advice in connection with new licence applications remains that oyster cultivation at the locations indicated is not appropriate on food safety grounds until the capacity issues at the nearby Kenmare WWT plant have been addressed.

The existing oyster beds have a 'B' classification which they have generally (3% 'C' results for last review) maintained over the last number of years. In the event that licences are re issued the SFPA will continue to monitor these beds in the normal way (monthly intervals) however their proximity to the plant would remain a significant concern pending the increases in capacity mentioned above.

Regards

John Falvey
Senior Port Officer

T +353 27 70439
F +353 87 8211728
E john.falvey@sfpa.ie

Regards.

Thérèse O’Keeffe

HEO, Aquaculture and Foreshore Management Division

An Roinn Talmhaíochta, Bia agus Mara

Department of Agriculture, Food and the Marine

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

An Lárionad Bia Mara Náisiúnta, An Cloichín, Cloich na Coillte, Corcaigh, P85 TX47

T +353 (0)23 8859535

www.agriculture.gov.ie

10th June 2018

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

**Re: Aquaculture and Foreshore Licence application T6/295 for Templenoe
Oysters Ltd., Templenoe, Kenmare Bay, Co. Kerry**

- The issuing of an Aquaculture and Foreshore Licence in the area identified as T6/295 for the cultivation of pacific oysters would have **no negative impact** on local sea fishing operations. The SFPA is aware of recent significant water quality issues in the Kenmare Bay/Templenoe area and understands that this matter is being examined by the EPA. The SFPA cannot comment in full on this application until such times as the outcome of any EPA investigation into this matter is made known.

Yours sincerely,

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

From: O'CALLAGHAN Tom [TomO'CALLAGHAN@dtas.gov.ie]
Sent: 29 April 2018 14:12
To: Walsh, ColetteM
Cc: 'info@irishlights.ie'; david.milliard@bim.ie
Subject: T6/295 - renewal Templenoe Oysters Ltd (our ref TMS 17820_400)

Dear Ms Walsh,

Application for an Aquaculture and Foreshore Licence T6/295

- This office has no objections from a navigational viewpoint to the above application.
- The grid map indicates the site is close to the mainland shore
- In order for charts and nautical publications to be updated the applicant is required to inform the British Admiralty Hydrographic Office at Taunton , UK, of the location and nature of the site.

(Fax:0044 1823 284077, email : sdr@ukho.gov.uk

- **The applicant is required to apply to the Commissioners of Irish Lights** (Fax: 01-2715566, email: info@irishlights.ie) for sanction to establish the following lights and marks:

A special mark spar with topmark to be located at the east corners of the site and the south west corner of the site; the topmark to be visible at all stages of tide at a height of two metres above the water.

Tom O'Callaghan
Marine Survey Office

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

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

T +353 (0)21 602 6323
tomocallaghan@dtas.gov.ie www.dttas.gov.ie



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

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Rinville,
Oranmore,
Co. Galway
Tel: 091 387200
Date: 16 April 2019

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

Advice on Aquaculture Licence Application

Applicant	Templenoe Oysters Ltd
Application type	Renewal
Site Reference No	T06/295A
Species	Oysters (<i>C. gigas</i>) – bags and trestles
Site Status	Located within the Kenmare River SAC (Site Code 002158) Located within the Kenmare River / Sneem/ Ardroom designated Shellfish Growing Waters Area.

Dear Deirdre

This is an application for the renewal of an aquaculture licence to cultivate oysters (*C. gigas*) using bags and trestles , at Site T06/295A in Kenmare Bay, Co. Kerry. The area of foreshore at Site T06/295A is circa 1.38Ha

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

The cultivation of shellfish at these sites will produce faeces and pseudofaeces. Any impact will be limited to the area of the sites. The build-up of excess organic matter beyond the footprint of the sites is not considered likely. On the basis of targeted research¹, the impact of intertidal oyster cultivation using bags and trestles on the majority of community types is considered not significant.

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

Site T06/295A is located within the Kenmare River / Sneem/ Ardroom designated Shellfish Growing Water Area.

Under Annex II of EU Regulation 854/2004 oysters in the Templenoe area currently have a “B” Classification

Site T06/295A is located within the Kenmare River SAC (Site Code 002158)

We note the findings of the Appropriate Assessment report² and the Department’s draft Natura conclusion statement³ in regard to the impacts on the Conservation Objectives within the Kenmare River SAC.

¹ Forde, J., F. O’Beirn, J. O’Carroll, A. Patterson, R. Kennedy. 2015. Impact of intertidal oyster trestle cultivation on the Ecological Status of benthic habitats. Marine Pollution Bulletin 95, 223–233.

² <https://www.agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshorelicenceapplications/cork/2019/AppropAssessofAquacultandFisheriesRiskAssessinKenmareRiverSAC270319.pdf>

In making the final determination with respect to this application it is recommended that DAFM take full account of the conclusions and recommendations of the Appropriate Assessment report and the proposed mitigation measures set out in the Department's Draft Natura Conclusion Statement.

In order to be able to assess and manage the potential risk of the introduction of invasive non-native species the MI recommends that the initial source of seed and other sources which may be used at any point in the future should be approved by the Minister. This approval should be a specific condition of any licence that may issue. It should be noted that the control of alien species is a separate issue to the control of diseases in the context of the current Fish Health legislation.

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

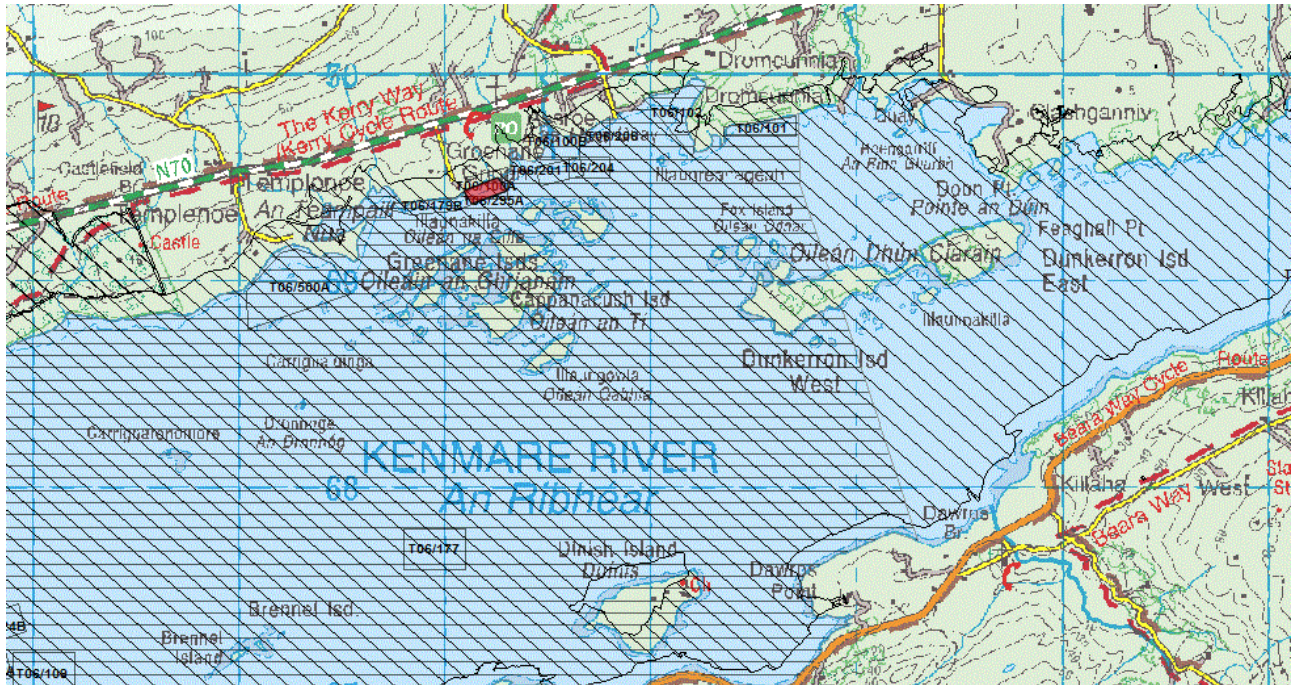
In the event that invasive non-native species are introduced into a site as a result of aquaculture activity the impacts may be bay-wide and thus affect other aquaculture operators in the bay. In this regard, therefore, the Marine Institute considers that the CLAMS process may be a useful and appropriate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


It is statutory requirement that a Fish Health Authorisation as required under Council Directive 2006/88/EC be in place prior to the commencement of the aquaculture activities proposed.


Kind regards,





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



Shellfish Waters Directive Area


Aquaculture Site


Special Area of Conservation


Special Protection Areas


From: O'CALLAGHAN Tom [TomO'CALLAGHAN@dtas.gov.ie]
Sent: 29 April 2018 14:12
To: Walsh, ColetteM
Cc: 'info@irishlights.ie'; david.milliard@bim.ie
Subject: T6/295 - renewal Templenoe Oysters Ltd (our ref TMS 17820_400)

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Application for an Aquaculture and Foreshore Licence T6/295

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Tom O'Callaghan
Marine Survey Office

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

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

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Fitzpatrick, Deirdre

From: Foreshore EPA Marine [fem.dau@chg.gov.ie]
Sent: 08 May 2019 12:01
To: Aquaculturelicensing
Subject: [REDACTED]

T06/295A, [REDACTED]

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

A chara,

Attached please find the nature conservation and underwater archaeology recommendations of the Department of Culture, Heritage, and the Gaeltacht for the above mentioned planning application.

Nature Conservation

The Department of Culture, Heritage and the Gaeltacht welcomes the opportunity to provide observations concerning the aquaculture licence applications at Kenmare River SAC (Site Code: 02158) for the sites referenced in your correspondence of the 27th of March 2019. The Department has offered comments on the report supporting Appropriate Assessment of Aquaculture in Kenmare Bay on 10th of December 2015. Comments were also provided on the revised Assessment report and Conclusion Statement and on the Risk Assessment of Fisheries on the 13th and 14th of April 2016, respectively.

The Department acknowledges the consideration of previous observations made by this Department in the 2019 Appropriate Assessment and the draft Conclusion Statement. However the following points are still relevant to the current licence applications. It is hoped that these observations will be considered by the Department of Agriculture, Food and the Marine in its decision-making process.

1. In relation to the Harbour seal Qualifying Interest at the site, the terms "close proximity" and "immediate vicinity", by which the likelihood of man-made disturbance is concluded, are unclear. These could usefully be better defined within the assessment and its conclusions, in order to provide an appropriate level of confidence around this Attribute and its associated Target.
2. There are no recommendations made for the Marine Community Types "Muddy fine sands dominated by polychaetes and *Amphiura filiformis* community complex" and the two subtidal reef communities given that the spatial overlap of aquaculture, when considered in-combination with fishing activity, is close to or exceeds the 15% threshold.
3. Overlap with maërl is only considered in Kilmakilloge and Ardgroom Harbours. Maërl also occurs subtidally between Glinisk, Sharky Island and Parknasilla which has sites licensed for mussel culture and scallops culture. These areas have not been considered.

The Department would also like to draw attention to the coastal habitats of Vegetated sea cliffs of the Atlantic and Baltic coasts (1230), Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) (1330) and Mediterranean salt meadows (*Juncetalia maritimi*) (1410) which occur within the Kenmare River SAC. In some cases they occur adjacent to the aquaculture activities however no access routes are given within the Appropriate Assessment document. These habitats were screened out on the basis that there was no overlap with aquaculture activities. However it should be noted that storage of aquaculture materials and access routes for aquaculture can have negative impacts on these habitats. Therefore such activities should not be carried out either inside the Annex I habitat or in an area where it is likely to have an impact on the Annex I habitat (e.g. storing aquaculture frames on a cliff top, storage of equipment or establishing access paths in a saltmarsh). Disposal of waste from aquaculture activities should similarly take place well away from these Annex I coastal habitats.

Underwater Archaeology

The Department notes that cumulatively the area for the 14 applications is large. Kenmare Bay is rich in both terrestrial and underwater cultural heritage and therefore there is a potential to negatively impact archaeology (either known or previously unknown) during the undertaking of aquaculture activities. This could include impact from the laying of anchors for longlines, intertidal archaeology impacted by vehicles accessing bags and trestles, etc.

The Department therefore requires that an appropriate Underwater Archaeological Impact Assessment (UAIA) be carried out to assess the impact of the proposed applications on known or potential cultural heritage. The UAIA shall be carried out by a suitably qualified and suitably experienced maritime archaeologist and should be licenced by this Department. A detailed method statement should accompany the licence application.

The resultant report should be forwarded to the Department in advance of any aquaculture taking place, as further information for consideration and further comments.

Mise le meas,

Connor Rooney
Executive Officer

An Roinn Cultúir, Oidhreachta agus Gaeltachta
Department of Culture, Heritage and the Gaeltacht

Aonad na nIarratas ar Fhorbairt
Development Applications Unit

Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90
Newtown Road, Wexford, County Wexford, Y35 AP90

T +353 (0)53 911 7464
manager.dau@chg.gov.ie
www.chg.gov.ie

Is faoi rún agus chun úsáide an té nó an aonán atá luaite leis, a sheoltar an ríomhphost seo agus aon comhad atá nasctha leis. Má bhfuair tú an ríomhphost seo trí earráid, déan teagmháil le bhainisteoir an chórais.

Deimhnítear leis an bhfo-nóta seo freisin go bhfuil an teachtaireacht ríomhphoist seo scuabtha le bogearraí frithvíorais chun víorais ríomhaire a aimsiú.

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This footnote also confirms that this email message has been swept by anti-virus software for the presence of computer viruses.

Coakley, John

T6/295.

From: Harry Duggan [harry.duggan@irishlights.ie]
Sent: 15 June 2018 12:19
To: Coakley, John
Subject: RE: Application in Kenmare Bay [**Macro Disarmed by Irish Lights Filter**]

Hello John,

I have had a look, I have no further comment on this one.

Regards,
Harry

From: Coakley, John <John.Coakley@agriculture.gov.ie>
Sent: Thursday 24 May 2018 17:03
To: Harry Duggan <harry.duggan@irishlights.ie>
Subject: Application in Kenmare Bay [**Macro Disarmed by Irish Lights Filter**]

Please see the letter attached and the relevant details of an Aquaculture and Foreshore licensing application for your examination.

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

This was previously sent to you on the 17/04/18
MED has reduced the size of the site from 2.0 to 1.4 hectares

John Coakley
Aquaculture & Foreshore Management Division
National Seafood Centre
Clonakilty
Co. Cork
P85TX47

Email: john.coakley@agriculture.gov.ie
Phone: 023-8859530

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Department of Agriculture, Food and the Marine

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An Roinn Talmhaíochta, Bia agus Mara

Tá an t-eolais san ríomhphost seo, agus in aon ceanglaín leis, faoi phribhléid agus faoi rún agus le h-agmaigh an seolaí amháin. D'fhéadfadh ábhar an seoladh seo bheith faoi phribhléid profisiúnta nó dlíthiúil. Mura tusa an seolaí a bhí beartaithe leis an ríomhphost seo a fháil, tá cosc air, nó aon chuid de, a úsáid, a chóipeál, nó a



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F +353.1.271.5566

E info@irishlights.ie

W www.irishlights.ie

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

Your Reference: T06/295

Our Reference: LA:0554.0180

Date: 17/04/2018

LL: LA0554.0180

Applicant: Templenoe Oysters Ltd

Site: Kenmare Bay, Co. Kerry

Dear Ms. Walsh,

Thank you for your letter advising us of this application.

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

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

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

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

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

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

Yours sincerely,

Capt. Harry Duggan
for Director of Operations and Navigation

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