

# **Marine Engineering Division**

# **Report on Aquaculture Licence Application**

<b>Application Reference No:</b>	T06/179B
Report Prepared by:	Gearoid O'Shea, Engineer
Date:	18 April 2018
Applicant	Kush Seafarms Ltd.
Location	Dunkerron Harbour, Upper Kenmare Bay, Co. Kerry
Applicant Type	Renewal Aquaculture/Foreshore Licence
Site Area (Ha)	T6/179B  2.4 Revised
Species Species	Pacific Oysters
<b>Cultivation Method</b>	Trestles & Net Bags
Intertidal/Non-Intertidal	Intertidal
Source of Seed / Spat	Irish Hatchery
<b>Annual Production Estimates</b>	10 Tonnes
Shellfish Waters Designation Reference:	Yes No Map 2: Kenmare River of December 2008
<b>Environmental Designation</b> Reference:	Yes No C Kenmare River SAC (Site Code: 2158)
<b>Development Plans</b> Reference:	Yes No C Kerry County Development Plan 2015-2021, Sec 8.4
<b>Pre-Consultation Meeting</b>	Yes No 🖂

### **Drawing Validation Sheet** $\boxtimes$ **OSI Maps** Yes No MED OSi Map, Revision Required Comment: **BA Chart** No $\boxtimes$ Yes Comment: MED BA Chart, Revision Required **Farm Layout Drawing** $\boxtimes$ No Yes **Directional Arrow** Yes No Scale Yes No Title Block Yes No Date Yes No Revised Layout Drawing Required following re-configuration Comment: **Drawings of structures** Yes $\boxtimes$ No Typical Trestles & Net Bags Detail Drawing Comment: **Details of Proposed Navigation Marking** $\boxtimes$ Yes No Comment: **Site Access Indicated** Yes $\boxtimes$ No Public roadway leading to site adjacent to Old Graveyard Comment: **Site Co-Ordinates** $\times$ **Indicated** No Yes Revised co-ordinates proposed by MED Comment: $\boxtimes$ Site Overlap Yes No Comment: **Oyster Fishery Order** $\boxtimes$ **Overlap** No Yes Comment: $\boxtimes$ 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 map. The recommended site incorporates the existing oyster trestle structures. The number of hectares licensed to the applicant would be reduced from 3.5 to 2.4 hectares. The revised co-ordinates of the reduced area are listed below:

### T6/179B Revised Co-Ordinates

84728m, 69346m to ING reference point

84748m, 69380m to ING reference point

84815m, 69375m to ING reference point

84824m, 69386m to ING reference point

85044m, 69404m to ING reference point

85089m, 69437m to ING reference point

85132m, 69371m to ING reference point

85048m, 69339m to ING reference point

84839m, 69319m 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**

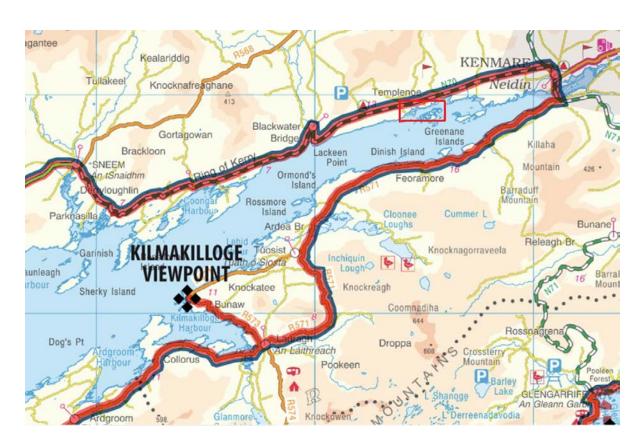
The proposed sites are located within Dunkerron Harbour, Upper Kenmare. The adjacent stretch of roadway (N70) is a part of the famous Ring of Kerry and is also a part of the Wild Atlantic Way, a coastal tourism route along the west coast of Ireland.

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 T6/295A 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.

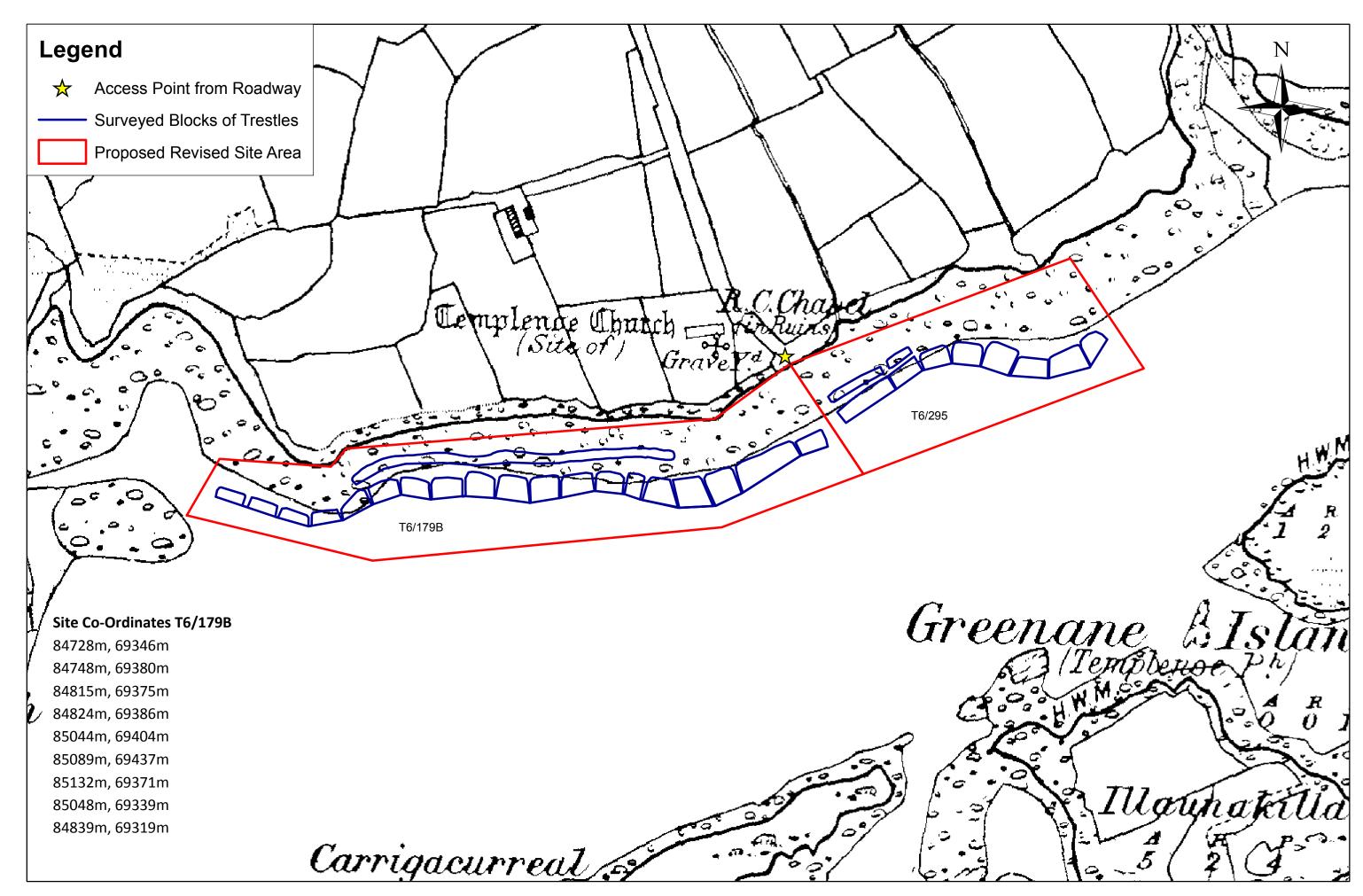
# Marine Engineering Division has no objection to the licensing of this site subject to the above.



Wild Atlantic Way Route at Kenmare Bay



Photograph Site Reference T6/179B Looking West



T6/179B Proposed Revised Site Area

Templenoe, Upper Kenmare Bay, Co. Kerry

Date: 18/04/18

Scale: 1:2,000 (A3)



21<sup>st</sup> September 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 T6/179 for Kush Seafarms Ltd. Kenmare Bay, Co. Kerry

### SFPA comments are as follows:

The SFPA is aware of ongoing issues with the WWT plant in Kenmare. It appears that the plant does not have sufficient capacity and breakdowns at the plant have caused periodic contamination of the inner Kenmare Bay and Templenoe areas, the latter of which is immediately adjacent to this site. The presence of sewage effluent in a water body makes it unsuitable for the production of oysters from a food safety perspective.

Yours sincerely,

John Falvey Senior Port Officer Sea Fisheries Protection Authority, Dingle, Co. Kerry. From: Falvey, John
Sent: 25 July 2019 18:12
To: OKeeffe, 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



An t-Údarás um Chosaint Iascaigh Mhara, An Bothar Thuaidh, Baile Caisleán Bheárra, Contae Chorcaí. Sea Fisheries Protection Authority, North Road, Castletownbere, Co. Cork

Eircode: P75 YC60 www.sfpa.ie

From: OKeeffe, Therese Sent: 19 July 2019 15:32

**To:** Falvey, John **Cc:** Hodnett, Kevin

Subject: Aquaculture Licence Applications in Inner Kenmare Bay and Templenoe Areas

John,

Please see attached 3 SFPA reports for the following aquaculture licence renewal applications:

T06/179



You mention water quality issues in the Kenmare Bay/Templenoe area, that the matter is being examined by the EPA and that you are awaiting the outcome of this investigation. Has this investigation concluded and if so, what were the outcomes?

You raise the following issue in relation to the T06/179 application, "The presence of sewage effluent in a water body makes it unsuitable for the production of oysters from a food safety perspective".

I am currently preparing submissions to the Minister and I would appreciate if you could elaborate further on the details of your reports considering the current situation in the inner Kenmare Bay and Templenoe areas.

In circumstances where the applicants are already licensed to produce oysters, can you advise of what necessary conditions the SFPA would require to be included in any potential aquaculture licence granted to effectively safeguard against any SFPA concerns.

This will be very important information for making my final recommendations to the Minister for his considerations on the granting or refusal of these licences.

I would really appreciate it if you could come back to me by COB Thursday 25<sup>th</sup> July 2019.

# 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

# Fitzpatrick, Deirdre

From:

O'CALLAGHAN Tom [TomOCallaghan@dttas.gov.ie]

Sent: To: 30 July 2018 15:18

Cc:

Coakley, John

CC:

david.milliard@bim.ie; 'info@irishlights.ie'

Subject:

RE: Renewal Application T6/179, Kush Seafarms Ltd., Kenamre Bay. Our ref: 17978

Dear Mr Coakley,

Application for an Aquaculture and Foreshore Licence

- This office has no objections from a navigational viewpoint to the above renewal application.
- We trust the site is marked as per the licensing requirements.

Kind regards

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

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

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

T +353 (0)21 602 6323 Mob +353 87 7427712 tomocallaghan@dttas.gov.ie www.dttas.gov.ie

From: Coakley, John [mailto:John.Coakley@agriculture.gov.ie]

Sent: 22 May 2018 14:45

To: MMO

Subject: Application T6/179 to the MMO

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.

Note: This was previously sent to you on the 13<sup>th</sup> July 2010

Yours sincerely

John Coakley Aquaculture & Foreshore Management Division National Seafood Centre



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	Kush Seafarms Ltd
Application type	Renewal
Site Reference No	T06/179B
Species	Oysters (C. gigas) – bags and trestles
Site Status	Located within the Kenmare River SAC (Site Code 002158)
	Located within the Kenmare River / Sneem/ Ardgroom 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 T06/179B in Kenmare Bay, Co. Kerry. The area of foreshore at Site T06/179B is circa 2.4Ha

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 research<sup>1</sup>, 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 T06/179B is located within the Kenmare River / Sneem/ Ardgroom designated Shellfish Growing Water Area.

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

Site T06/179B is located within the Kenmare River SAC (Site Code 002158)

We note the findings of the Appropriate Assessment report<sup>2</sup> and the Department's draft Natura conclusion statement<sup>3</sup> in regard to the impacts on the Conservation Objectives within the Kenmare River SAC.

<sup>&</sup>lt;sup>1</sup> 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.

 $<sup>\</sup>frac{https://www.agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshorelicenceapplications/cork/2019/AppropAssessofAquacultandFisheriesRiskAssessinKenmareRiverSAC270}{319.pdf}$ 

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. <a href="Invasive Species Ireland">Invasive Species Ireland</a>). 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.

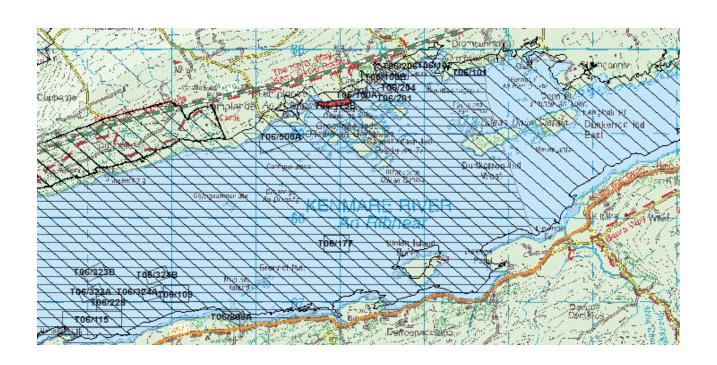
It is statutory requirement that a Fish Health Authorisation as required under Council Directive 2006/88/EC be in place prior to the commencement of the aquaculture activities proposed.

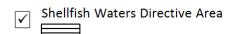
Kind regards,

Dr. Terry McMahon

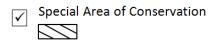
Section Manager, Marine Environment and Food Safety Services,

The Marine Institute.





Aquaculture Site



Special Protection Areas

# Fitzpatrick, Deirdre

From:

Murphy, Mike [murphym@birn.ie]

Sent:

10 May 2019 16:30 Fitzpatrick. Deirdre

To: Subject:

RE: Kenmare Aquaculture applications - Kerry sites

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.

Dear Deirdre,

Re: License Renewal in Kenmare, Co. Kerry T06/179B, to grow oysters in bags on trestles.

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

We have no objection to the renewal.



Regards, Mike

Michael Murphy

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

T +353 7479732601 M +353 87 2476448 E mike.murphy@bim.ie

From: Fitzpatrick, Deirdre

Sent: Friday 29 March 2019 10:52

To: 'Mary Larkin (<a href="mary.larkin@fisheriesireland.ie">mary.larkin@fisheriesireland.ie</a>)'; 'terry.mcmahon@marine.ie'; Dallaghan, Ben; O'Carroll, Terence; Murphy, Mike; 'foreshore@housing.gov.ie'; 'planning@failteireland.ie'; 'naturalenvironment@antaisce.org'; 'fem.dau@chg.gov.ie'; 'environ@kerrycoco.ie'

Subject: Kenmare Aquaculture applications - Kerry sites

Dear Consultee

Please see attached letter which refers to the above two applications. (Site Refe T06/179B Letter 106/179B Let

Details of the applications and all other relevant documentation may be viewed on the Department's website at: <a href="https://www.agriculture.gov.ie/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshoremanagement/a

Regards Deirdre



Commissioners of Irish Lights Harbour Road, Dun Laoghaire Co. Dublin, Ireland

T +353.1.271.5400 F +353.1.271.5566

E info@irishlights.ie
W www.irishlights.ie

T06/179

LA0554.0080

24/05/2018

Your Reference:

Our Reference:

Date:

Ms. Deirdre Fitzpatrick

Aquaculture and Foreshore Management Division

Dept. of Agriculture Food & the Marine

**National Seafood Centre** 

Clonakilty

Co. Cork

**LL:** LA0554.0080

**Applicant:** Kush Seafarms Ltd **Site:** Kenmare Bay, Co. Kerry

Dear Ms Fitzpatrick,

Thank you for your letter advising us of this application for renewal of this Aquaculture Licence.

Based on the information supplied, there appears to be no objection to a renewal of this licence. Our records show this applicant secured Statutory Sanction (under a group marking scheme) from the Commissioners of Irish Lights for the Aids to Navigation that were required at the time.

Before the Licence is renewed it should be verified that the Aids to Navigation as sanctioned are in position.

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

Furthermore, if a licence is renewed the UK Hydrographic Office at Taunton: <a href="mailto:sdr@ukho.gov.uk">sdr@ukho.gov.uk</a> 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

# Fitzpatrick, Deirdre

From: Sent: Foreshore EPA Marine [fem.dau@chg.gov.ie]

08 May 2019 12:01

To: Subject: 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 drawn attention to the coastal habitats of Vegetated sea cliffs of the Atlantic and Baltic coasts (1230), Atlantic salt meadows (Glauco-Puccinellietalia maritimae) (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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