

## AQUACULTURE LICENCES APPEALS BOARD

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

Appeal Reference Number: **AP 23 /2019**

### DETERMINATION

**WHEREAS** an appeal having been made to the Aquaculture Licences Appeals Board ("**the Board**") pursuant to Section 40 of the Fisheries (Amendment) Act, 1997 (as amended) ("**the Act**") by Sneem Fishermen Co-Operative Ltd., Tahilla, Sneem, Co. Kerry, ("**the Appellant**" and "**the Applicant**") against the decision of the Minister for Agriculture, Food and the Marine ("**the Minister**") to grant a Licence for the cultivation of mussels using longlines on the sub-tidal foreshore on site ref: T06/356A along the shoreline of Rossmore Island, Kenmare Bay, Co. Kerry ("**the Site**")

**AND WHEREAS** the Board in considering the appeal took account of the appeal, in which the Appellant sought to reduce the size of the Site originally applied for by it as the Applicant for the licence and which had been licenced by the Minister, to a reduced Site in accordance with a map provided to the Board by the Appellant, and also the file provided to it by the Minister and the matters set out at Section 61 of the Act (as amended and substituted), including the following:-

- (a) the suitability of the place or waters at or in which the aquaculture is or is proposed to be carried on for the activity in question,
- (b) other beneficial uses, existing or potential, of the place or waters concerned,
- (c) the statutory status, if any, (including the provisions of any development plan, within the meaning of the Local Government (Planning and Development) Act, 1963 as amended) of the place or waters,

- (d) the likely effects of the proposed aquaculture, revocation or amendment on the economy of the area in which the aquaculture is or is proposed to be carried on,
- (e) the likely ecological effects of the aquaculture or proposed aquaculture on wild fisheries, natural habitats and flora and fauna, and
- (f) the effect or likely effect on the environment generally in the vicinity of the place or water on or in which that aquaculture is or is proposed to be carried on-
  - (i) on the foreshore, or
  - (ii) at any other place, if there is or would be no discharge of trade or sewage effluent within the meaning of, and requiring a licence under section 4 of the Local Government (Water Pollution) Act, 1977, and
- (g) the effect or likely effect on the man-made environment of heritage value in the vicinity of the place or waters.

The Board considered the appeal at its meetings on the 14 November 2019, 10 December 2019, 31 January 2020, 26 February 2020, 22 April 2020, 15 May 2020, 11 June 2020 and 9 July 2020 and determined at its meeting on 9 July 2020 pursuant to Section 40 (4) (b) of the Act, to **GRANT** with variation an aquaculture licence to the Applicant.

The Board has determined the appeal on the basis of the following:

- (a) The Site is suitable for the proposed development;
- (b) The proposed development would have no significant effect on other users of the area;
- (c) The proposed development would have no impact on the statutory status of the area;
- (d) The proposed development would have a positive effect on the local economy;

- (e) The proposed development would have no significant effect on the ecology of the area;
- (f) No significant additional general environmental effects are considered likely to arise as a result of the proposed development; and
- (g) There would be no impact on the man-made heritage of value in the area.


The Board noted the Site is located within the Kenmare River Special Area of Conservation ("the SAC") and that an Article 6 Assessment has been carried out in relation to aquaculture activities in the SAC. The Board concurred with the Minister's conclusion that aquaculture activities in the SAC, including the Site, are being licensed and managed so as not to significantly and adversely affect the integrity of the Kenmare River SAC.

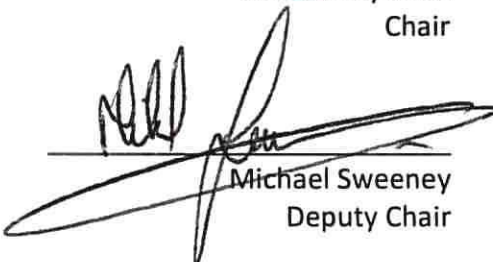
Having considered all the foregoing, the Board determined at its meeting on 9 July 2020 pursuant to Section 40 (4) (b) of the Act, to GRANT with variation an aquaculture licence to the Applicant on the same terms and conditions as the draft Aquaculture Licence proposed by the Minister but for the reduced Site area more particularly shown on the map or plan provided by the Appellant with its appeal, a copy of which is annexed hereto for identification purposes only.

Dated this 14 day of August 2020

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



  
Imelda Reynolds  
Chair

  
Michael Sweeney  
Deputy Chair

**APPENDIX  
Site Map**



Site T06/356A as approved by the Minister

Proposed amendment to Site T06/356A



Title Kenmare Bay, Co. Kerry  
Proposed Amendment to Licence Boundary

Project Aqua Culture Licence T06/356A  
Kenmare Bay, Co. Kerry

Scale	1:5000	Date	31/08/19
Map	PRIME2	Project	5/14/22
Author	SAG7/2019	Client	SP
Checker	ENG000419	Project	B.M.C.

**McCUTCHEON HALLEY** Cork  
 8 Joyce House  
 Barrack Square  
 Ballincobry, Cork