



Rinville,  
Oranmore,  
Co. Galway  
Tel: 091 387200

Date: 12 August 2019

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

#### Advice on Aquaculture Licence Application

<b>Applicant</b>	<b>Tomas Hayes</b>
<b>Application type</b>	<b>New</b>
<b>Site Reference No</b>	<b>T06/505A</b>
<b>Species</b>	<b>Pacific Oysters (<i>Crassostrea gigas</i>) using Bags and Trestles</b>
<b>Site Status</b>	<b>Located within the Castlemaine Harbour SAC (Site Code 000343) and the Castlemaine Harbour SPA (Site Code 004029) Not located within a designated Shellfish Growing Waters Area</b>

Dear Bernie

This is an application an Aquaculture Licence at T06/505A for the production Pacific oysters (*Crassostrea gigas*) using bags and trestles on the foreshore at Castlemaine Harbour, Co. Kerry. The area of foreshore at Site T6/505A is 6.01Ha.

Site T06/505A is not located within a designated Shellfish Growing Waters Area. It is recommended that DAFM fully consider the implications of licencing a site which is not within a designated Shellfish Growing Water Area.

Oysters in Castlemaine Harbour currently have a “B” Classification under Annex II of EU Regulation 854/2004.

The cultivation of shellfish at this site 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 marine 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 Section 61(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

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

Site T06/505A is located within Castlemaine Harbour SAC (Site Code 000343) and the Castlemaine Harbour SPA (Site Code 004029). We note the findings of the Appropriate Assessment reports<sup>2,3</sup> and the Department’s Draft

<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>2</sup>

<https://www.agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/appropriateassessments/kerry/CastlemaineHarbourSACAAResult2019010719.pdf>

<sup>3</sup>

<https://www.agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/appropriateassessments/kerry/CastlemaineHarbourSPAAResult2019010719.pdf>

Appropriate Assessment Conclusion Statement <sup>4</sup> in regard to the impacts of the proposed aquaculture activity on the Conservation Objectives of the Castlemaine Harbour SAC and Castlemaine Harbour SPA. In particular we note the overall conclusion in the Department's Appropriate Assessment Conclusion Statement which states:

*“There is insufficient evidence to suggest that the affected areas within Castlemaine Harbour would maintain a comparable level of ecological functionality if licensing were permitted.*

*Whilst taking into account the existing licensed sites as part of baseline conditions, the two licence review applications and one new application for subtidal mussel rope culture can be considered at this time. No further consenting of licence applications can take place until such time as additional studies are completed and further mitigation approaches considered.”*

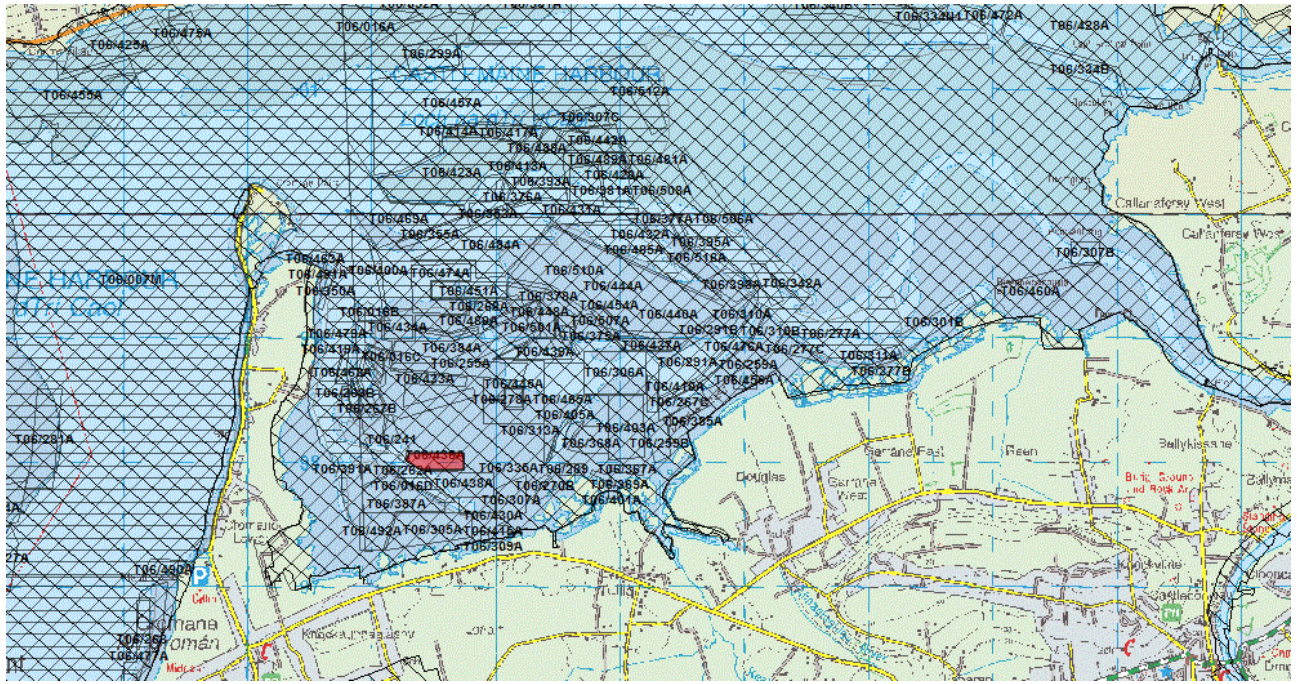
On the basis of the above the Marine Institute is of view that an aquaculture licence at this site should not be granted.


Kind regards,





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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  


## Kelleher, Evan

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**From:** Murphy, Mike [murphym@bim.ie]  
**Sent:** 14 August 2019 17:23  
**To:** McDonald, Bernie  
**Subject:** RE: Stat Consultation for 16 applications in Castlemaine Harbour and Dingle Bay

**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 Bernie,

Re: License Reviews, T06/291A; T06/304A, to add oysters to existing licenses, in Castlemaine Harbour, Co. Kerry, New Applications, T06/488A; T06/489A; T06/490A; 491A; T06/492A; T06/494A; T06/504A; T06/505A; T06506A; T06/507A; T06/510A; T06/511A; T06/512A, in Castlemaine Harbour to grow oysters and bottom mussels.

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 reviews and new applications.

Re: New Application, T06/493A to grow mussel seed on longlines in Dingle Bay, Co. Kerry,

Following internal consultation within the Seafood Technical Services Business Unit, it has come to our attention that, this application has been flagged by inshore fishers based in Kells bay as this represents a key fishing area for them. This area is fished for lobster, crab, velvet crab and shrimp. Displacement from this area is a grave concern for them given that the vessels used are under 8m and have a limited range but is also of concern to the wider fishing community as any displacement will have a knock on effect.

Regards

Mike Murphy

**Michael Murphy**

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

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**From:** McDonald, Bernie

**Sent:** Thursday 4 July 2019 10:54

**To:** 'spatialplanning@water.ie'; 'Mary Larkin'; 'terry.mcmahon@marine.ie'; Dallaghan, Ben; 'ocarroll@bim.ie'; Murphy, Mike; 'foreshore@housing.gov.ie'; 'planning@failteireland.ie'; 'naturalenvironment@antaisce.org'; 'fem.dau@chg.gov.ie'; 'environ@kerrycoco.ie'; 'foh@udaras.ie'; Dept of Transport ([Mmo@dttras.ie](mailto:Mmo@dttras.ie));

'Mmo@dtas.ie'

**Subject:** Stat Consultation for 16 applications in Castlemaine Harbour and Dingle Bay

**Site Refs: T06/291A and T06/304A (Review Applications in Castlemaine Harbour)**

**Site Refs: T06/488A, T06/489A, T06/490A, T06/491A, T06/492A, T06/494A, T06/504A, T06/505A, T06/506A, T06/507A, T06/510A, T06/511A and T06/512A (New Applications in Castlemaine Harbour)**

**Site Ref: T06/493A (New Application in Dingle Bay)**

Please see attached letter which refers to an applications in Castlemaine Harbour and Dingle Bay Co Kerry. I would be grateful for any observations you may wish to make on the applications which must 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.

Details of the applications and all other relevant documentation may be viewed on the Department's website at:

<https://www.agriculture.gov.ie/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshorelicenceapplications/kerry/>

Regards

Bernie



**An Roinn Talmhaíochta,  
Bia agus Mara  
Department of Agriculture,  
Food and the Marine**

**Bernie Mc Donald** | Aquaculture and Management Division

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

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

Ionad Náisiúnta Bia Mara, Cloich na Coillte, Co. Chorcaí

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Disclaimer:

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 ceanglái leis, faoi phribhléid agus faoi rún agus le h-ghaigh 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 scaoileadh. Má tháinig sé chugat de bharr dearmad, téigh i dteagmháil leis an seoltóir agus scríos an t-ábhar ó do ríomhaire le do thoil.



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

*Your Reference:* T06/505

*Our Reference:* LA:0554.0214

*Date:* 14/02/2019

**LL: LA 0554.0214**

**Applicant:** Tomas Hayes

**Site:** Castlemaine, 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](mailto: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,

**Neil Askew**  
**for Director of Operations and Navigation**

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

## Kelleher, Evan

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**From:** Fem Dau [Fem.Dau@chg.gov.ie]  
**Sent:** 13 August 2019 12:17  
**To:** McDonald, Bernie  
**Subject:** Consultation for 16 applications in Castlemaine Harbour and Dingle Bay

**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.

The Department of Culture, Heritage and the Gaeltacht welcomes the opportunity to provide observations on the proposed licensing of aquaculture activities for the sites, T06/291A and T06/304A T06/488A, T06/489A, T06/490A, T06/491A, T06/492A, T06/494A, T06/504A, T06/505A, T06/506A, T06/507A, T06/510A, T06/511A and T06/512A at Castlemaine Harbour SPA (Site code: 004029) and Castlemaine Harbour SAC (Site Code: 00343) and T06/493A in Dingle Bay.

This Department welcomes the decision by the Licensing Authority not to license all bar the two renewal applications in Castlemaine Harbour and the single new application for Dingle Bay. In its determination as to whether to license these activities, it is hoped that the Department of Agriculture, Food and the Marine will consider these observations.

With regard to the new site proposed to be licenced T06/493A, the conditions as outlined in the SPA Appropriate Assessment must be included in the licence conditions, i.e. “collecting seed mussel will be very infrequent, low intensity, localised and short-term in duration”.

Eleven coastal terrestrial habitats are listed as qualifying interests at Castlemaine Harbour SAC including beaches and dunes, saltmarsh and seacliff habitats, all of which were screened out of the current Appropriate Assessment<sup>[1]</sup>. The aquaculture applications outlined in the Appropriate Assessment take place very close to salt marsh habitats in the SAC (1310 *Salicornia* and other annuals colonising mud and sand, 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritima*), 1410 Mediterranean salt meadows (*Juncetalia maritimi*)) at Treanough Tragh, Doolahig, Cromane Lower, Lonart, Tullig and Roscullen Island, and these habitats should be taken into account in the Appropriate Assessment for the reasons set out below.

Salt marsh habitats are vulnerable to damage resulting from aquaculture activities such as use of vehicles to access aquaculture sites, storage of materials and disposal of waste. The access routes for vehicles used in aquaculture activities are poorly presented in this Appropriate Assessment Report and no servicing areas where aquaculture materials may be stored or disposed of are mapped. While this makes it difficult to assess the impact of aquaculture activities in the SAC, it should be noted that in one case, an access route appears to terminate in salt marsh habitat rather than at an aquaculture site. Vehicle tracks are clearly visible in 1330 Atlantic salt meadows at Lonart and Tullig and vehicle tracks were listed as a high intensity negative impact in a recent habitat assessment of 1330 Atlantic salt meadows in Castlemaine Harbour SAC in 2019<sup>[2]</sup>. Driving on salt marsh habitats results in loss of positive indicator species in the affected area, soil compaction, soil erosion in vulnerable locations and could eventually result in habitat fragmentation.

Vehicles accessing aquaculture sites in Castlemaine Harbour must avoid Annex I salt marsh habitats. Servicing areas, including locations where materials related to aquaculture are stored or disposed of, should not be either inside any Annex I habitat or in an area where they are likely to have a negative impact on Annex I habitats of beaches and dunes, saltmarshes and seacliffs.

Regards

**Michael Murphy**

**An Roinn Cultúir, Oidhreacht agus Gaeltachta**

*Department of Culture, Heritage and the Gaeltacht*

**Aonad na nIarratas ar Fhorbairt**

*Development Applications Unit*

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<sup>[1]</sup> Report supporting Appropriate Assessment of Aquaculture in Castlemaine Harbour SAC (Site code: 000343)  
Marine Institute Version: July, 2019

<sup>[2]</sup> Brophy, J.T. et al. (in prep) Saltmarsh Monitoring Project 2017-2018: Final Report. Irish Wildlife Manuals, No. XX. National Parks & Wildlife Service, Department of Culture, Heritage and the Gaeltacht, Dublin.