

# Submission AGR 00719-19: Recommendation to refuse an Aquaculture and Foreshore Licence for 1 site (T01/119)

TO: Minister  
STATUS: Completed  
PURPOSE: For Decision

AUTHOR: Kelleher, Sheila  
OWNER: Kelleher, Sheila  
REVIEWERS: OShea, Nicole  
OCallaghan, Grace  
Quinlan, John  
Beamish, Cecil  
Smith, Ann

DIVISION: Coastal Zone Management  
DECISION BY:

## Final comment

Minister determines that the Aquaculture and Foreshore Licences not be granted for the reasons outlined.

## Action required

Ministerial Determination on Aquaculture/Foreshore Licensing Application T01/119A

## Executive summary

The Minister's determination is requested in relation to an application of an Aquaculture Licence from Cooley Oysters Limited, Muchgrange, Greenore, Co. Louth. The application is for the culture of pacific oysters using bags & trestles on Site T01/119A totalling 3.434 hectares on the foreshore in Carlingford Lough, Co. Louth.

A submission in respect of the application for the Foreshore Licence is also set out for the Minister's consideration.

It is recommended that the Minister determines that the Aquaculture and Foreshore Licences **not be granted** to Cooley Oysters Limited for the reasons outlined in the 'Detailed Information' section below.

## Detailed information

**Note:** TABs attached to this submission may contain additional information which is subject to redaction if transmitted to third parties.

### **DECISION SOUGHT**

The Minister's determination is requested in relation to an application of an Aquaculture Licence from Cooley Oysters Limited, Muchgrange, Greenore, Co Louth. The application is for the cultivation of pacific oysters using bags & trestles on Site T01/119A totalling 3.434 hectares on the foreshore in Carlingford Lough, Co Louth.

A submission in respect of the application for the Foreshore Licence is also set out for the Minister's consideration.

It is recommended that the Minister determines that the Aquaculture and Foreshore Licences not be granted for the reasons outlined in the 'Detailed Information' section below.

### **BACKGROUND**

Marine aquaculture operations require separate Aquaculture and Foreshore Licences and Ministerial approval is requested in respect of this submission (Aquaculture Submission) and the submission underneath (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.

## APPLICATION FOR AN AQUACULTURE LICENCE

A new application (**TAB A**) for an Aquaculture Licence has been received from the applicant referred to above (in conjunction with an application for a Foreshore Licence), for the cultivation of pacific oysters using bags & trestles in relation to a 3.434 hectare site on the foreshore in Carlingford Lough, Co Louth.

## LEGISLATION

Section 7 of the Fisheries (Amendment) Act 1997 provides that the licensing authority (i.e. Minister, delegated officer or, on appeal, the Aquaculture Licences 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

The application was sent to the Department's technical experts, statutory consultees and was also publicly advertised in a composite public notice covering both aquaculture and foreshore elements.

### Technical Consultation (TAB B)

Marine Engineering Division: The site is located on intertidal area. The substrate is generally clean sand apart from the northern corner where there are some cobbles on the surface. Substrate is moderately firm throughout the site and suitable for supporting trestles. Gradient is an even fall from west to east. The higher site elevation on the west side is likely to be more suitable for oyster holding than oyster growing. Neighbouring sites are being successfully used for growing oysters and site 119A which has similar physical characteristics should also be suited for that purpose. Regarding the cobble covered area at north corner of the site if licensed there may need to be a **specific condition included prohibiting removal of this remaining stone cover from the site**. No navigation impact is foreseen. The site is readily accessible by tractor and trailer from the Ferguson Shellfish Ltd work shed and yard at Ballytrasna. The site is located in a designated Natura 2000 area in Carlingford Shore SAC and Carlingford Lough SPA. This site will be visible at close range (150m) from the shore road at Ballytrasna and this narrow road is a popular road for tourist cars in the summer and is used by walkers and joggers throughout the year. This area of foreshore is prominently in view to passing vehicles located as it is near a right angled bend where the road for east bound traffic approaches and then turns right to run parallel to the shore. Visually this site is going to be more sensitive than other sites applied for in this area as its visibility is higher due to its location and proximity to the shore road. There is a cumulative impact issue due to the scale of existing oyster farm activity and it is important a balance is struck between shellfish farm development and amenity value of the shore in an area where it is more visible and accessible to the public. In this case the northern half of the site will be very much in view at short distance range to road users. The magnitude of visual change occasioned by development of this site will be high resulting in a substantial visual impact from the shore road at Ballytrasna. Cumulative visual impact is also likely to be in the substantial category. Submission of the trestle layout drawings would allow MED to carry out a detailed assessment of the visual impact. With regard to amenity, freedom of access for public pedestrians along this section of foreshore is becoming more constrained by the oyster farm development higher up the shore in the past decade. Provision for public pedestrian access past these farm sites will need to be specifically catered for in the licensing decision taken therefore the access gap between this and the neighbouring site would need to be made at minimum 20m wide. If the site is to be licensed the following is recommended: the SW corner of this site would need cut and the site be reduced to 3.360 ha and it is also recommended for orderly development reason that the north and east coordinates of this site be extended slightly to coincide with neighbouring sites increasing overall site area slightly to 3.432 ha. If a decision to licence this site were to be taken MED suggest these changes in site boundaries be adopted. There is also an issue with available space left for foreshore amenity usage. Based on the information available MED recommends refusal of this application on visual amenity grounds.

Marine Survey Office: This office has no objections from a navigational viewpoint to the above applications. In order for charts and nautical publications to be updated the British Admiralty Hydrographic Office at Taunton, UK, is to be informed of the location and nature of the site. The applicant is required to apply to the Commissioners of Irish Lights for sanction to establish the following lights and marks: as Carlingford Lough is a CLAMS bay the site is to be marked in line with the SUMS and conducive to safe navigation.

It is proposed to insert a specific condition covering MSO matters in any licence/s which may issue as follows:

*The Minister's determination in respect of this licence is conditional upon immediate full compliance by the Licensee in respect of all requirements and conditions which are imposed under the relevant legal provisions applicable to the Marine Survey Office."*

Sea Fisheries Protection Authority: The site is situated in the area of Ballagan. The site is intertidal and no wild fisheries are present within the licensed sites. Official control inspections can be carried out at low tide. The site is not adjacent to any WWTP discharge point. Cooley Oysters Ltd operate a purification tank system and along with routine sampling for microbial and viral contamination in its shellfish sites which are in current production. It is unlikely that shellfish grown and harvested from this site will pose any additional risk to human health from direct consumption of shellfish.

### **Statutory Consultation (TAB C)**

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 statutory bodies:

Bord Iascaigh Mhara: No comments received

Marine Institute: Site T01/119A is located within the Carlingford designated Shellfish Growing Waters Area. Under Annex II of EU Regulation 854/2004 oysters in this area of Carlingford Lough currently have an "A" Classification. No chemicals or hazardous substances will be used during the production process. 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. Considering the location, nature and scale of the proposed aquaculture activity, and in deference to our remit under the Marine Institute Act, and the consideration 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.

This site is located within the Carlingford Lough SPA (Site Code 004078) and the Carlingford Shore SAC (Site Code 002306). 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.

Specific information on the source of seed for the site has not been provided and the MI recommends that this information be sought from the applicant prior to any final licence determination. 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.** 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) and in this regard **it is recommended that, prior to the commencement of operations at the sites, the applicant be required to draw up a contingency plan, for the approval of the Department, 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.**

Cooley Oysters Ltd. confirmed the source of seed for this site is from four hatcheries in France: Naissain, Satmar, Grainocean & Marinove, that all seed imports are registered with the Marine Institute and the import takes place after making an application and receiving approval from the Marine Institute.

Department of Culture, Heritage and the Gaeltacht: No comments received.

Louth County Council: No comments received.

Fáilte Ireland: No comments received.

Commissioner for Irish Lights (CIL): There appears to be no objection to this 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 request the following terms be included in the licence: That the applicant secures Statutory Sanction from the CIL for the aids to navigation that may be required by the Marine Survey Office – these aids should be in place before development of the site commences; and the size and specification of aids to navigation should be of the design and specification approved by the MSO and must be agreed in advance with the CIL. It is recommended local fishing and leisure interests be consulted and if the licence is granted the UK Hydrographic Office at Taunton be informed of the development's geographical position in order to update nautical charts and other publications.

Inland Fisheries Ireland: No comments received

An Taisce: No comments received.

Department of Housing, Planning and Local Government: The Department's Water Service Advisor is of the opinion that there is likely no impingement to the foreshore from a technical perspective and has no objection to the new application. This is without prejudice to any views that the NPWS (within Dept of Culture Heritage and the Gaeltacht) may have from a nature conservation/ecological perspective.

Irish Water: No comments received.

Loughs Agency: No comments received.

## **Public Consultation**

The application was publicly advertised using a composite public notice covering both aquaculture and foreshore elements, in the "Dundalk Democrat" on the **04<sup>th</sup> of June 2019**. The application and supporting documentation were available for inspection at Carlingford Garda Station (restricted hours) and Dundalk Garda Station (24 hours) for a period of 4 weeks from the date of publication of the notice in the newspaper.

There were no submissions or observations received on foot of public notice procedures.

A copy of all the observations/submissions received at the Public/Statutory consultation stage was forwarded to the applicant.

Cooley Oysters Ltd submitted no response to the comments sent.

## **CRITERIA IN MAKING LICENSING DECISIONS**

The licensing authority, in considering an application, is required by statute to take account of, as appropriate, the following points and must 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

*Scientific advice is to the effect that the waters are suitable for the cultivation of Pacific oysters however technical advice is that there is a significant visual impact and that if licensed there would be an issue with the lack of remaining space available for foreshore amenity usage;*

b) other beneficial uses of the waters concerned

*Technical advice is that there is an issue with available space left for foreshore amenity usage;*

c) the particular statutory status of the waters

(i) Natura 2000

*The site is located within the Carlingford Shore SAC (Site Code: 002306) and the Carlingford Lough SPA (Site Code: 004078). An Article 6 Appropriate Assessment has been carried out in relation to aquaculture activities in this SAC and/or SPA. This Assessment and its findings were examined by the Department and its scientific/technical advisors. This led to the Licensing Authority (i.e. the Minister) producing a Conclusion Statement (**TAB D**) outlining how it is proposed to licence and manage aquaculture activities in the above Natura sites in compliance with the EU Habitats and Birds Directives.*

(ii) Shellfish Waters

*The site is located within Carlingford Lough Shellfish Designated Waters. The oysters in these waters currently have an "A" classification*

d) the likely effects on the economy of the area

*Aquaculture has the potential to provide a range of benefits to the local community, such as attraction of investment capital, development of support services, etc.*

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

*No significant issues arose regarding wild fisheries. The potential ecological impacts of aquaculture activities on natural habitats, flora and fauna are addressed in the Article 6 Appropriate Assessment for Carlingford Shore SAC and Carlingford Lough SPA and in the Licensing Authority's Conclusion Statement.*

*The Department of Department of Culture, Heritage and the Gaeltacht had no objection on nature conservation grounds*



f) the effect on the environment generally

*The Department's Scientific Advisors the Marine Institute, are 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.*

g) the effect or likely effect on the man-made environment of heritage value in the vicinity of the place or waters

*No comments were received from the Department of Culture Heritage and the Gaeltacht regarding the development from an underwater archaeological perspective.*

## **RECOMMENDATION**

It is recommended that the Minister:

refuses the granting of an Aquaculture Licence Cooley Oysters Limited, Muchgrange, Greenore, Co. Louth for a site in Carlingford Lough, Co. Louth. The reasons for the recommendation are:

The development of this site would give rise to substantial visual impact and would also have an impact on space remaining for foreshore amenity usage.

## **REASONS FOR 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 –T01/119A*

*Cooley Oysters Limited has applied for authorisation to cultivate pacific oysters using bags & trestles on the sub-tidal foreshore on a 3.434 hectare site (T01/119A) in Carlingford Lough, Co. Louth.*

*The Minister for Agriculture, Food and the Marine has determined that it is not in the public interest to grant the 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 the statutory provisions. In particular, the Minister had regard to the findings of the Marine Engineering Report regarding the visual impact assessment and amenity impact that the development of this site would have. The following are the reasons and considerations for the Minister's determination to refuse the licences sought:*

*The development of this site would have significant negative visual impact and have an impact on space remaining on the foreshore for amenity usage."*

-

## **Recommendation to refuse a Foreshore Licence application (T01/119A)**

### **DECISION SOUGHT**

The Minister's determination is requested please in relation to the application for a Foreshore Licence from Cooley Oysters Limited, Muchgrange, Greenore, Co Louth, for a site in Carlingford Lough, Co. Louth, in which it is proposed to conduct aquaculture.

### **BACKGROUND**

Marine aquaculture operations require separate Aquaculture and Foreshore Licences and Ministerial approval is requested in respect of this submission (Foreshore Submission) and the submission above (Aquaculture Submission), which refer to the same site.

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.

### **APPLICATION FOR A FORESHORE LICENCE**

An application (**TAB A**) for a Foreshore Licence has been received from the applicant referred to above (in conjunction with an Aquaculture Licence application), relating to the occupation of the foreshore associated with the Aquaculture Licence application which covers a 3.434 hectare site (numbered **T01/119A**).

### **LEGISLATION**

Section 3 of the Foreshore Act, 1933 gives power to the Minister to licence 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 Department's 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: These were the comments received from a water quality or foreshore perspective. The Department's Water Service Advisor is of the opinion that there is likely no impingement to the foreshore from a technical perspective and has no objection to the new application. This is without prejudice to any views that the NPWS (within Dept of Culture Heritage and the Gaeltacht) may have from a nature conservation/ecological perspective.

### Technical Consultation (TAB B)

Marine Engineering Division: The site is located on intertidal area. The substrate is generally clean sand apart from the northern corner where there are some cobbles on the surface. Substrate is moderately firm throughout the site and suitable for supporting trestles. Gradient is an even fall from west to east. The higher site elevation on the west side is likely to be more suitable for oyster holding than oyster growing. Neighbouring sites are being successfully used for growing oysters and site 119A which has similar physical characteristics should also be suited for that purpose. Regarding the cobble covered area at north corner of the site if licensed there may need to be a **specific condition included prohibiting removal of this remaining stone cover from the site.** No navigation impact is foreseen. The site is readily accessible by tractor and trailer from the Ferguson Shellfish Ltd work shed and yard at Ballytrasna. The site is located in a designated Natura 2000 area in Carlingford Shore SAC and Carlingford Lough SPA. This site will be visible at close range (150m) from the shore road at Ballytrasna and this narrow road is a popular road for tourist cars in the summer and is used by walkers and joggers throughout the year. This area of foreshore is prominently in view to passing vehicles located as it is near a right angled bend where the road for east bound traffic approaches and then turns right to run parallel to the shore. Visually this site is going to be more sensitive than other sites applied for in this area as its visibility is higher due to its location and proximity to the shore road. There is a cumulative impact issue due to the scale of existing oyster farm activity and it is important a balance is struck between shellfish farm development and amenity value of the shore in an area where it is more visible and accessible to the public. In this case the northern half of the site will be very much in view at short distance range to road users. The magnitude of visual change occasioned by development of this site will be high resulting in a substantial visual impact from the shore road at Ballytrasna. Cumulative visual impact is also likely to be in the substantial category. Submission of the trestle layout drawings would allow MED to carry out a detailed assessment of the visual impact. With regard to amenity, freedom of access for public pedestrians along this section of foreshore is becoming more constrained by the oyster farm development higher up the shore in the past decade. Provision for public pedestrian access past these farm sites will need to be specifically catered for in the licensing decision taken therefore the access gap between this and the neighbouring site would need to be made at minimum 20m wide. If the site is to be licensed the following is recommended: the SW corner of this site would need cut and the site be reduced to 3.360 ha and it is also recommended for orderly development reason that the north and east coordinates of this site be extended slightly to coincide with neighbouring sites increasing overall site area slightly to 3.432 ha. If a decision to licence this site were to be taken MED suggest these changes in site boundaries be adopted. There is also an issue with available space left for foreshore amenity usage. Based on the information available MED recommends refusal of this application on visual amenity grounds.

Marine Survey Office: This office has no objections from a navigational viewpoint to the above applications. In order for charts and nautical publications to be updated the British Admiralty Hydrographic Office at Taunton, UK, is to be informed of the location and nature of the site. The applicant is required to apply to the Commissioners of Irish Lights for sanction to establish the following lights and marks: as Carlingford Lough is a CLAMS bay the site is to be marked in line with the SUMS and conducive to safe navigation.

It is proposed to insert a specific condition covering MSO matters in any licence/s which may issue as follows:

*The Minister's determination in respect of this licence is conditional upon immediate full compliance by the Licensee in respect of all requirements and conditions which are imposed under the relevant legal provisions applicable to the Marine Survey Office."*

Sea Fisheries Protection Authority: The site is situated in the area of Ballagan. The site is intertidal and no wild fisheries are present within the licensed sites. Official control inspections can be carried out at low tide. The site is not adjacent to any WWTP discharge point. Cooley Oysters Ltd operate a purification tank system and along with routine sampling for microbial and viral contamination in its shellfish sites which are in current production. It is unlikely that shellfish grown and harvested from this site will pose any additional risk to human health from direct consumption of shellfish.

### **Public Consultation**

The application was publicly advertised using a composite public notice covering both aquaculture and foreshore elements, in the "Dundalk Democrat" on the **04<sup>th</sup> of June 2019**. The application and supporting documentation were available for inspection at Carlingford Garda Station (restricted hours) and Dundalk Garda Station (24 hours) for a period of 4 weeks from the date of publication of the notice in the newspaper.

There were no submissions or observations received from the public consultation process.

### **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.

### **RECOMMENDATION**

It is recommended that the Minister:

refuses the granting of a Foreshore Licence to Cooley Oysters Limited, Muchgrange, Greenore, Co. Louth for a site in Carlingford Lough, Co. Louth having regard to the decision in relation to the Aquaculture Licence application. The reasons for the decision are:

The development of this site would have significant negative visual impact and have an impact on space remaining on the foreshore for amenity usage.

### **Related submissions**

There are no related submissions.

### **Comments**

**O'Shea, Nicole** - 14/11/2019 10:09

It is recommended to refuse this new application.

**O'Shea, Nicole** - 14/11/2019 14:33

It is recommended to refuse this new licence application.

**O'Callaghan, Grace** - 15/11/2019 10:38

I have reviewed the detailed Information set out in this submission and agree with the recommendation made that the Minister refuses the granting of an Aquaculture Licence application (T01/119) to Cooley Oysters Limited for the reasons outlined in the submission below and in accordance with applicable legislation. GOC

**Quinlan, John** - 15/11/2019 14:26

Refusal is recommended in this case.

**Beamish, Cecil** - 15/11/2019 15:01

Recommended that the Minister determines that the Aquaculture and Foreshore Licences not be granted for the reasons outlined in the submission.

**Smith, Ann** - 15/11/2019 15:02

Approved for submission to Minister. AS 15/11/2019.

**Lennox, Graham** - 20/11/2019 16:33

Minister determines that the Aquaculture and Foreshore Licences not be granted for the reasons outlined.

## User details

INVOLVED: Kelleher, Sheila  
OShea, Nicole  
OCallaghan, Grace  
Quinlan, John  
Beamish, Cecil  
Sub Sec Gens Office  
eSub Sec Gen  
eSub Ministers Office  
eSub Minister

READ RECEIPT: Kelleher, Sheila  
OShea, Nicole  
OCallaghan, Grace  
Quinlan, John  
Beamish, Cecil  
Smith, Ann  
Lennox, Graham



## 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 and Natura 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  
P85 TX47

Telephone: (023) 8859500  
Fax: (023) 8821782

Revised May 2018

**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><u>For Office Use</u></p> <p>Application Ref. No. <u>T01/119</u></p> <p>Date of Receipt (Dept. Stamp):</p> |
|---|

|                                     |  |
|-------------------------------------|--|
| <b>Type of Applicant (tick one)</b> |  |
| 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**

|                            |  |
|----------------------------|--|
| <b>Applicant's Name(s)</b> | <u>COOLEY OYSTERS LTD</u>                |
| 1.                         |  |
| Address:                   | <u>MUCHGRANGE,</u>                       |
| 2.                         |  |
| Address:                   | <u>GREENORE</u>                          |
| 3.                         |  |
| Address:                   | <u>DUNDALK</u>                           |
| 4.                         |  |
| Address:                   | <u>CO. LOUTH</u><br><br><u>A 91 FN50</u> |

| Contact in case of enquiries (if different from above) |   |
|--|---|
| Contact Name   | DONAL FERGUSON  |
| Organisation Name (if applicable)                      | N/A   |
| Address  | MUCHGRANGE,<br>GREENORE, DUNDALK,<br>CO. LOUTH.<br>A91 Y19R |

**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 type="checkbox"/>            | Go to Parts 2.2 and 2.2A |
| <i>Intertidal</i>                        | <input checked="" 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**

- |                          |   |
|--------------------------|---|
| <input type="checkbox"/> | Go to appropriate Parts as above and to Part 2.5. |
|--------------------------|---|

## 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 T01 / 119

- (i) Bay: CARLINGFORD LOUGH
- (ii) County: LOUTH
- (iii) OS Map No: PERMIT NO: DNE 0001 001.
- (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.]
- 322 889, 309 356
- 323 171, 309 152
- 323 283, 309 005
- (v) Size of Site (hectares): 3.5 Ha 323 064, 309 073

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

OYSTERS / CRASSOSTREA GIGAS / NON-NATIVE.

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

INTER-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.

FRANCE.

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) TRESTLE & BAGS

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

600 TRESTLES / 3,000 BAGS.

(xi) Proposed Production Tonnage:

|        |           |        |           |        |           |        |           |        |           |
|--------|-----------|--------|-----------|--------|-----------|--------|-----------|--------|-----------|
| Year 1 | <u>10</u> | Year 2 | <u>20</u> | Year 3 | <u>40</u> | Year 4 | <u>40</u> | Year 5 | <u>40</u> |
|--------|-----------|--------|-----------|--------|-----------|--------|-----------|--------|-----------|

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

EXPERIENCE OVER THE LAST 35 YEARS HAS SHOWN SITE IS IDEAL FOR FINISHING OFF THE PRODUCT.



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

EASE OF ACCESS AS IT IS ADJACENT TO THE FACTORY,  
FIRM BASE, CLASS 'A' WATERS, PERFECT LOCATION  
FOR GROWING OYSTERS.

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

DIRECT HUMAN CONSUMPTION

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

N/A

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

Yes  No

If yes give details.

CARLINGFORD LOUGH SPA AREA 004078

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

N/A

(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?

CLASS 'A'

(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)

SITE ADJACENT TO NATURA 2000 SITE AND IN THE  
CARLINGFORD LOUGH SPA AREA 004078

(xviii) Are there known sources of pollution in the vicinity e.g. sewage outfall? If yes please give full details.

Yes  No

NO POLLUTION

(xix) Methods used to harvest the shellfish and details of any subsequent processing of shellfish

TRACTORS & TRAILERS

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

PURIFICATION FACILITIES ARE IN PLACE.

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

N/A

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

N/A

**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**

**2.6 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:

THE DIRECTORS DONAL FERGUSON AND AMBROSE JNR FERGUSON HAVE A WEALTH OF EXPERIENCE AND HERITAGE, AS THEY HAVE BEEN OYSTER FARMING ON THIS SITE FOR OVER 35 YEARS. THEY ARE CONFIDENT THAT THEY WILL SUCCESSFULLY CONTINUE TO MANAGE THEIR PROGRESSIVE BUSINESS IN THE FUTURE. THE KNOWLEDGE AND CONTACTS THAT HAVE BEEN BUILD UP OVER THE YEARS HAS BEEN INVALUABLE TO SUSTAINING THE BUSINESS FOR THE LAST 35 YEARS.

- (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:

PROPOSED SITE WILL ALLOW TO INCREASE UP TO 2 EMPLOYEES FULLTIME AND SOME PART TIME.

**FULLTIME JOBS**

|         |   |         |   |         |    |         |    |
|---------|---|---------|---|---------|----|---------|----|
| Year 1: | 8 | Year 2: | 8 | Year 3: | 10 | Year 4: | 11 |
|---------|---|---------|---|---------|----|---------|----|

**PART TIME JOBS**

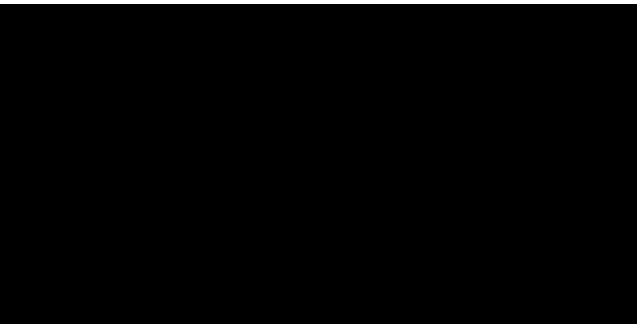
|         |   |         |   |         |    |         |    |
|---------|---|---------|---|---------|----|---------|----|
| Year 1: | 9 | Year 2: | 9 | Year 3: | 11 | Year 4: | 11 |
|---------|---|---------|---|---------|----|---------|----|

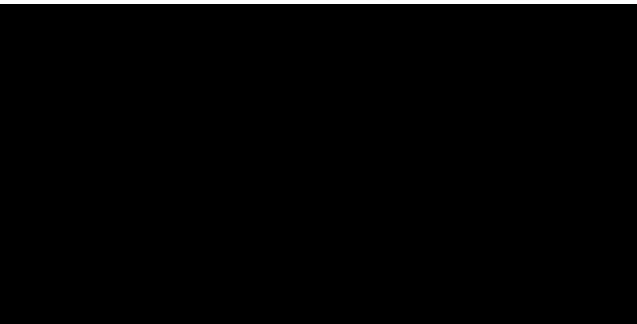
**PART 3 D. LIMITED COMPANY**

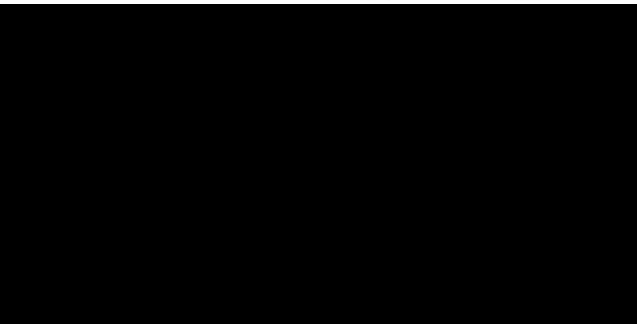
Company Name: COOLEY OYSTERS LTD

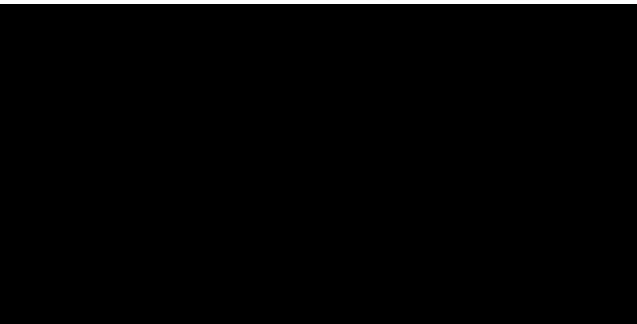
Address: MUCHGRANGE GREENORE,  
DUNDALK, CO. LOUTH, A91FN50

Company Registered No. (CRO No.) 564961

VAT No. 


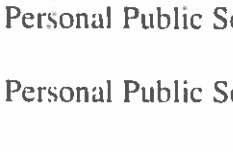
Phone No. 



Mobile No. 



E-mail Address 

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

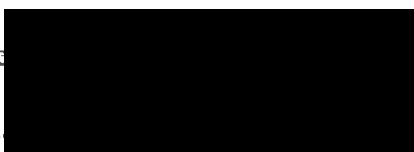
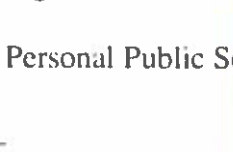
Name:  Personal Public Service No: 

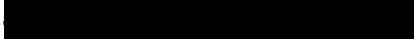
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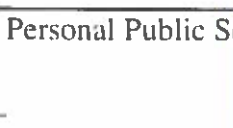
Name:  Personal Public Service No: 


Name:  Personal Public Service No: 

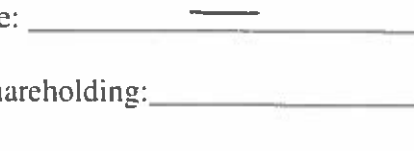

Please list below the names and Personal Public Service No's of the Shareholders of the Company and the percentage shareholding held in each class of share


Name:  Personal Public Service No: 

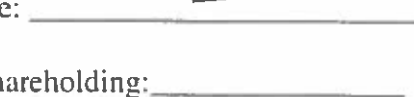

% Shareholding: 


Name:  Personal Public Service No: 

% Shareholding: 

Name:  Personal Public Service No: 

% Shareholding: 

Name:  Personal Public Service No: 

% Shareholding: 

## PART 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 |
|-----|---|-----|----|-----|
| 1a  | <b>An appropriate Ordnance Survey Map</b><br>(recommendation is a map to the scale of<br><b>1:10,000/10:10,560, i.e., equivalent to a six inch map</b> )                                      | ✓   |    |     |
| 1b  | The proposed access route to the site from the public road across tidal foreshore must also be shown  | ✓   |    |     |
| 2a  | <b>Scale drawing of the structures to be used</b><br>(recommended scale normally 1:100 for structures).   | ✓   |    |     |
| 2b  | <b>Scale drawing of farm layout</b> (recommended scale normally 1:200 for layout)   | ✓   |    |     |
| 3   | <b>The prescribed application fee</b>   | ✓   |    |     |
| 4   | <b>Environmental Impact Statement (EIS), if required</b>  |     |    | ✓   |
| 4a  | <b>Natura Impact Statement (NIS), if required</b>   |     |    | ✓   |
| 5   | <b>Water Quality Analysis Report, if appropriate</b>  |     |    | ✓   |
| 6   | <b>Decision of Planning Authority under the Planning Acts, if required</b>  |     |    | ✓   |
| 7   | <b>Copy of Licence under Section 4 of the Local Government (Water Pollution) Act, 1977 – Effluent Discharge, if required</b>  |     |    | ✓   |
| 8   | <b>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.</b> | ✓   |    |     |
| 9   | <b>If the applicant is a Co-operative, a copy of the Certificate of Incorporation and Rules of the Co-operative Society</b>   |     |    | ✓   |
| 10  | <b>Integrated Pest Management Plan, if required</b>   |     |    | ✓   |
| 11  | <b>Alien Species documentation, if required.</b>  |     |    | ✓   |

*SENT BY  
ENGINEER.*

**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:

N/A.

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 and that I am over 18 years of age. I/We enclose an application fee\* of € \_\_\_\_\_ with this application.

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

1. DONAL FERGUSON



**Cooley Oysters Ltd**

VAT No: IE 3384072CH  
Approval No: IE LO 0012EC  
Tel: +353 876486162

2. AMBROSE JNR FERGUSON.



Date: 20/03/2019

**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  
P85 TX47**

## **1 NO. SITE AT CARLINGFORD LOUGH CO.LOUTH**

### **Co-ordinates & Area**

#### **Site T01/119A (3.434 Ha)**

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

322889, 309356 to Irish National Grid Reference point

323171, 309152 to Irish National Grid Reference point

323283, 309005 to Irish National Grid Reference point

323064, 309073 to the first mentioned point.

322000

323000

311000

311000

310000

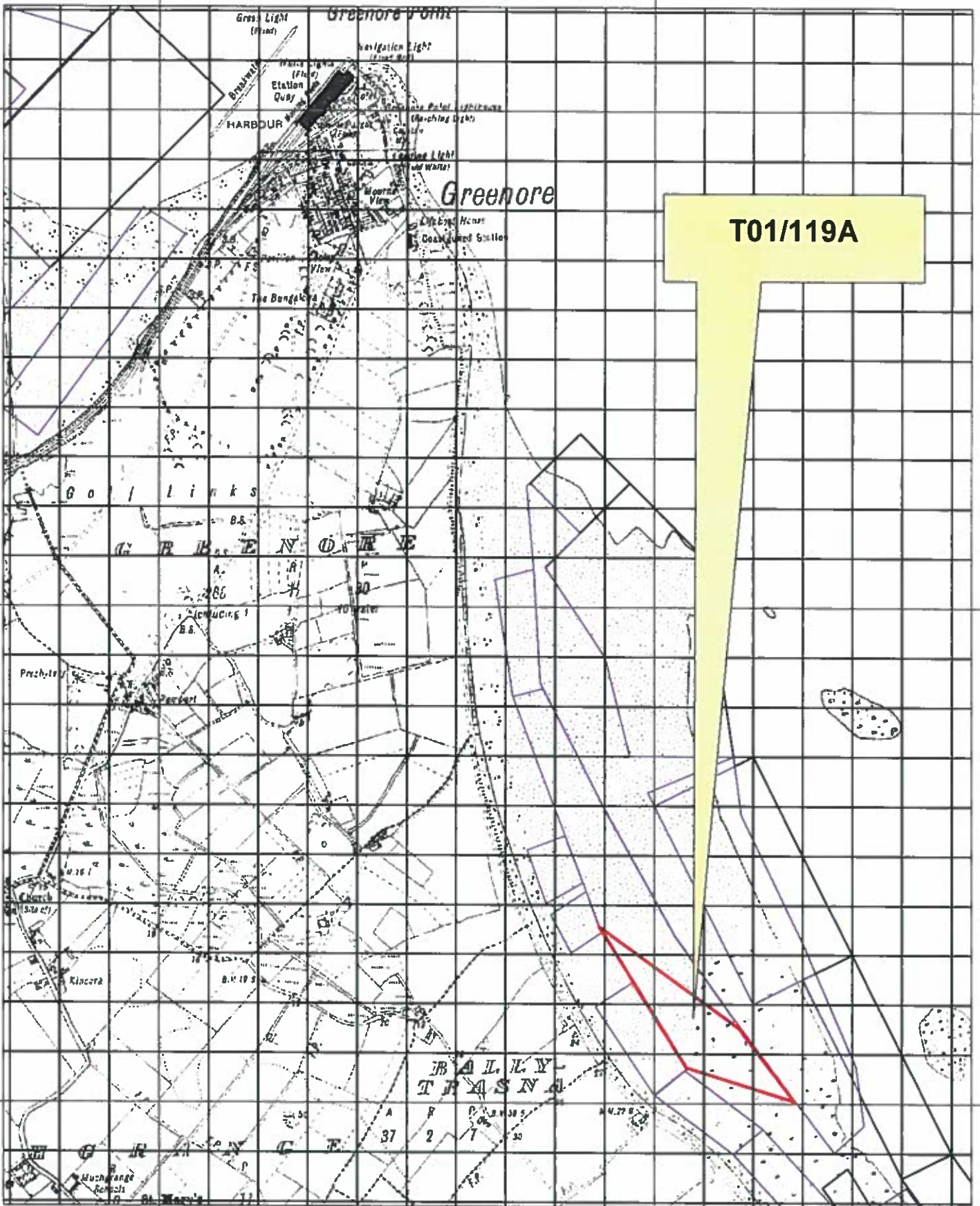
310000

309000

309000

322000

323000



T01/119A

**Aqua Culture Sites**

<all other values>

**Site\_Status**

- Under Appeal
- Application
- Lapsed
- Licensed
- Refused
- Revoked
- Surrendered
- Withdrawn
- 100 Meter Reference Grid

1:10,560

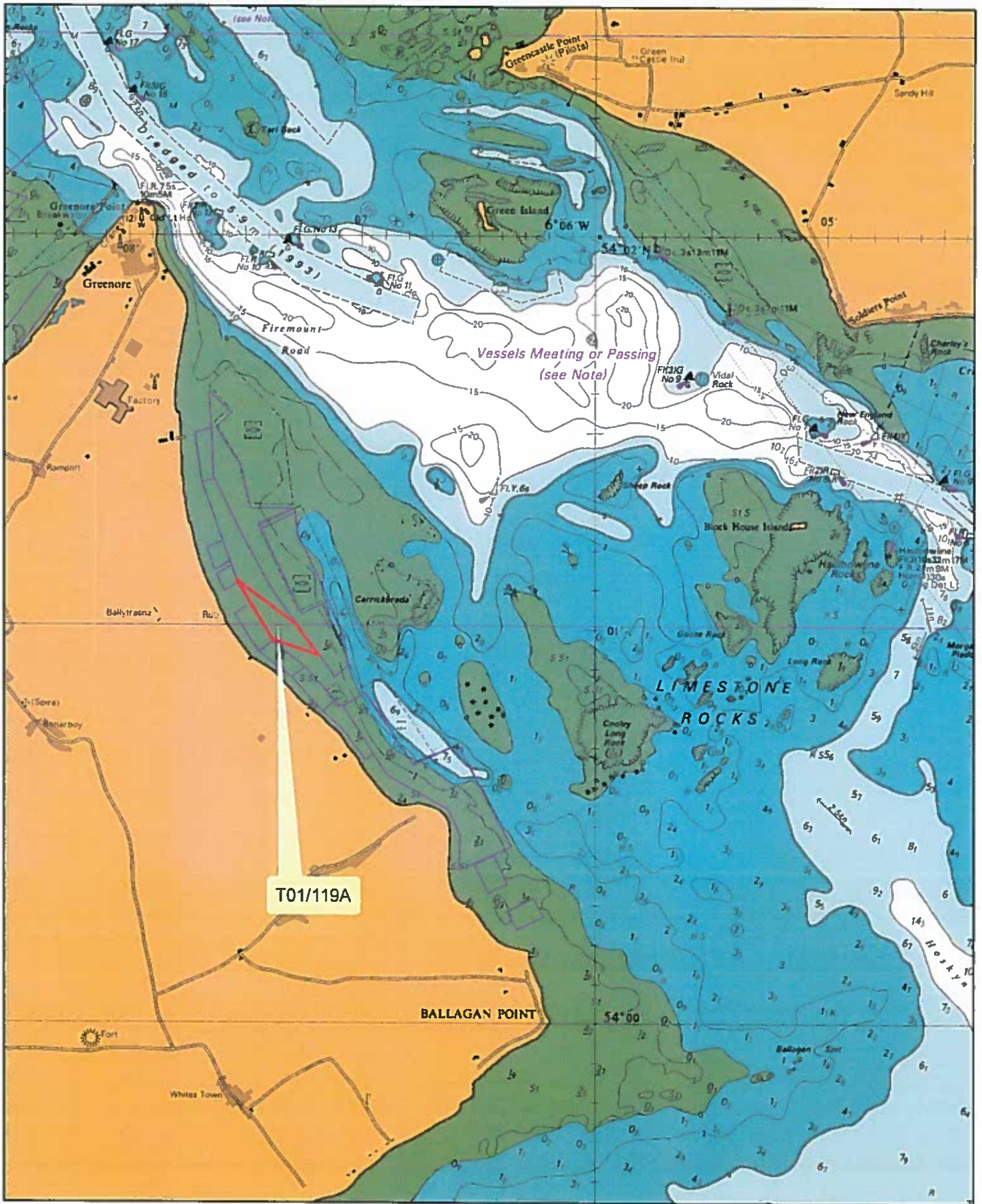
Sites highlighted in red denotes Application

Ordnance Survey Ireland Licence No. EN 0076418  
© Ordnance Survey Ireland/Government of Ireland



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





**Aqua Culture Sites**

- Site\_Status
- Under Appeal
  - Application
  - Lapsed
  - Licensed
  - Refused
  - Revoked
  - Surrendered
  - Withdrawn

**1:24,000**

Sites highlighted in red denotes Application

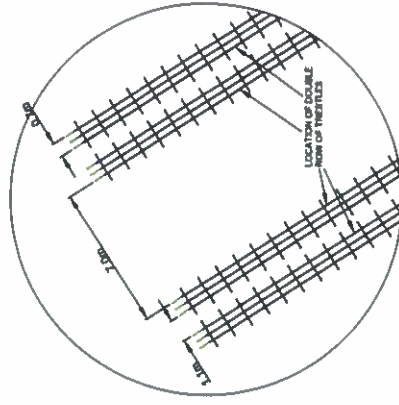
Part of Admiralty Chart No =2800-0  
Not to be used for Navigation



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

Aquaculture & Foreshore Management Division  
**08 MAR 2019**  
 Department of Agriculture, Food & The Marine

|                      |  |
|----------------------|--|
| Client               | COOLEY OYSTERS LTD   |
| Project              | AQUACULTURE & FORESHORE LICENCE APPLICATION REFERENCE No. T01/119 AT CARLINGFORD LOUGH, CO. DUBLIN |
| Title                | SITE LAYOUT PLAN   |
| Application Ref. No. | T01/119  |
| Drawn By             | Colin Holmes   |
| Date                 | February 2018  |
| Checked By           | John O'Connell   |
| Date                 | 14 Feb 2018  |
| Scale                | As Shown   |
| Project No.          | DF4 - 002.   |



# Carlingford Lough

LAYOUT PLAN OF TRESTLES  
SCALE 1:1250



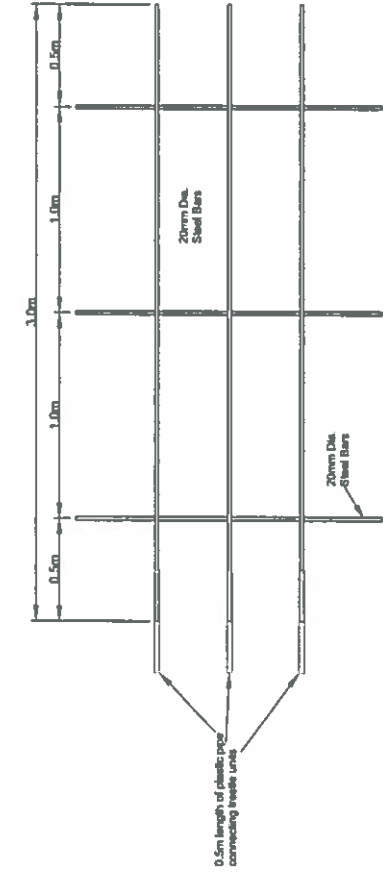
ALL WORKS TO BE CARRIED OUT STRICTLY IN ACCORDANCE WITH CURRENT BUILDING REGULATIONS.

EXTRACT LOUGH ORDNANCE SURVEY SHEETS 1568 & 1636

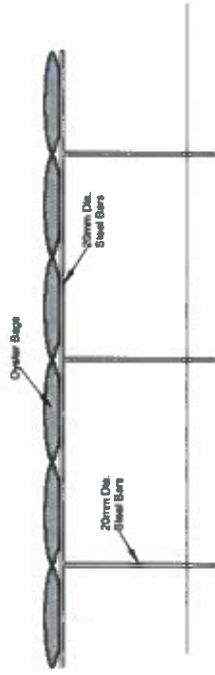
THIS DOCUMENT IS A PRELIMINARY DRAWING AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE SOLE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE CLIENT ACCEPTS FULL RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND FOR THE CONSEQUENCES OF ANY ERRORS OR OMISSIONS. THE DRAWING IS PROVIDED AS A GUIDE ONLY AND DOES NOT REPRESENT A CONTRACT. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.

**APPLICATION SITE - SITE PLAN**  
SCALE 1 : 2500

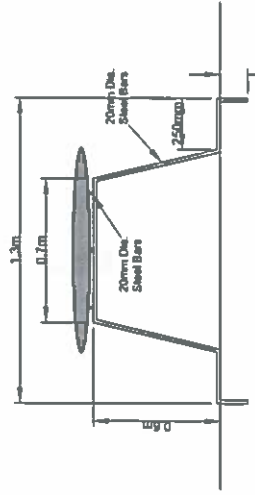




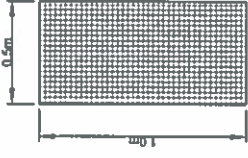
**PLAN - bags not shown for clarity**  
SCALE 1 : 25



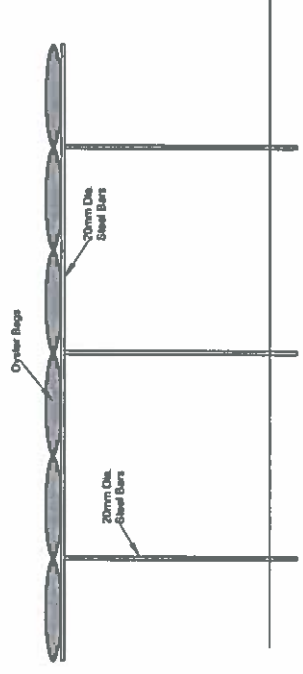
**LONGITUDINAL SECTION**  
SCALE 1 : 25



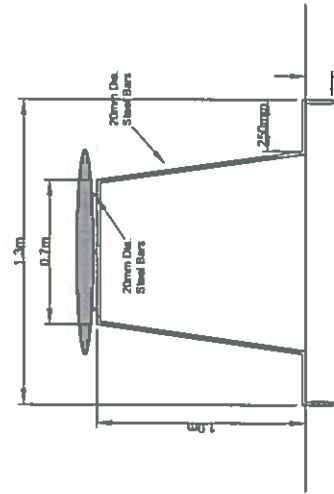
**CROSS SECTION**  
SCALE 1 : 25



**TYPICAL OYSTER BAG**  
SCALE 1 : 25



**LONGITUDINAL SECTION**  
SCALE 1 : 25



**CROSS SECTION**  
SCALE 1 : 25

ALL WORKS TO BE CARRIED OUT STRICTLY IN ACCORDANCE WITH CURRENT BUILDING REGULATIONS.

| Rev | Date | Description | By |
|-----|------|-------------|----|
|     |      |             |    |

**COOLEY OYSTERS LTD**  
Project: AQUACULTURE & FORESHORE LICENCE APPLICATION REFERENCE No. TO1/119 AT CARLINGFORD LOUGH, CO. LOUTH  
Title: DETAILS OF TRESTLES  
Application Ref. No. TO1/119

Drawn By: Colin Holman Date: February 2019  
As Shown  
Checked By: Colin G. Holman  
Author: Colin G. Holman  
Project: Aquaculture & Foreshore Licence Application Reference No. TO1/119 at Carlingford Lough, Co. Louth  
Scale: 1:25  
Drawing No: DF4-003



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Aquaculture & Foreshore Management Division  
 08 MAR 2019  
 Department of Agriculture, Food & The Marine

|             |   |
|-------------|---|
| Client      | COOLEY OYSTERS LTD  |
| Project     | AQUACULTURE & FORESHORE LICENCE APPLICATION REFERENCE No. T01/119 AT CARLINGFORD LOUGH, CO. LOUTH |
| Date        | February 2018   |
| Drawn By    | Colin Holmes  |
| Checked By  | Colin Holmes  |
| Scale       | As Shown  |
| Sheet       | 1 of 2  |
| Project No. | DF4 - 001   |

|                   |                    |
|-------------------|--------------------|
| SHEET INFORMATION |                    |
| Project           | COOLEY OYSTERS LTD |
| Project No.       | DF4 - 001          |
| Sheet No.         | 1 of 2             |
| Scale             | As Shown           |
| Author            | Colin G. Holmes    |
| Checked           | Colin G. Holmes    |
| Date              | February 2018      |
| Drawn By          | Colin Holmes       |
| Checked By        | Colin Holmes       |
| Scale             | As Shown           |
| Project           | COOLEY OYSTERS LTD |
| Project No.       | DF4 - 001          |
| Sheet No.         | 1 of 2             |
| Scale             | As Shown           |

LOCATION OF SITE  
REF. No. T01/119

ACCESS ROUTE  
TO SITE

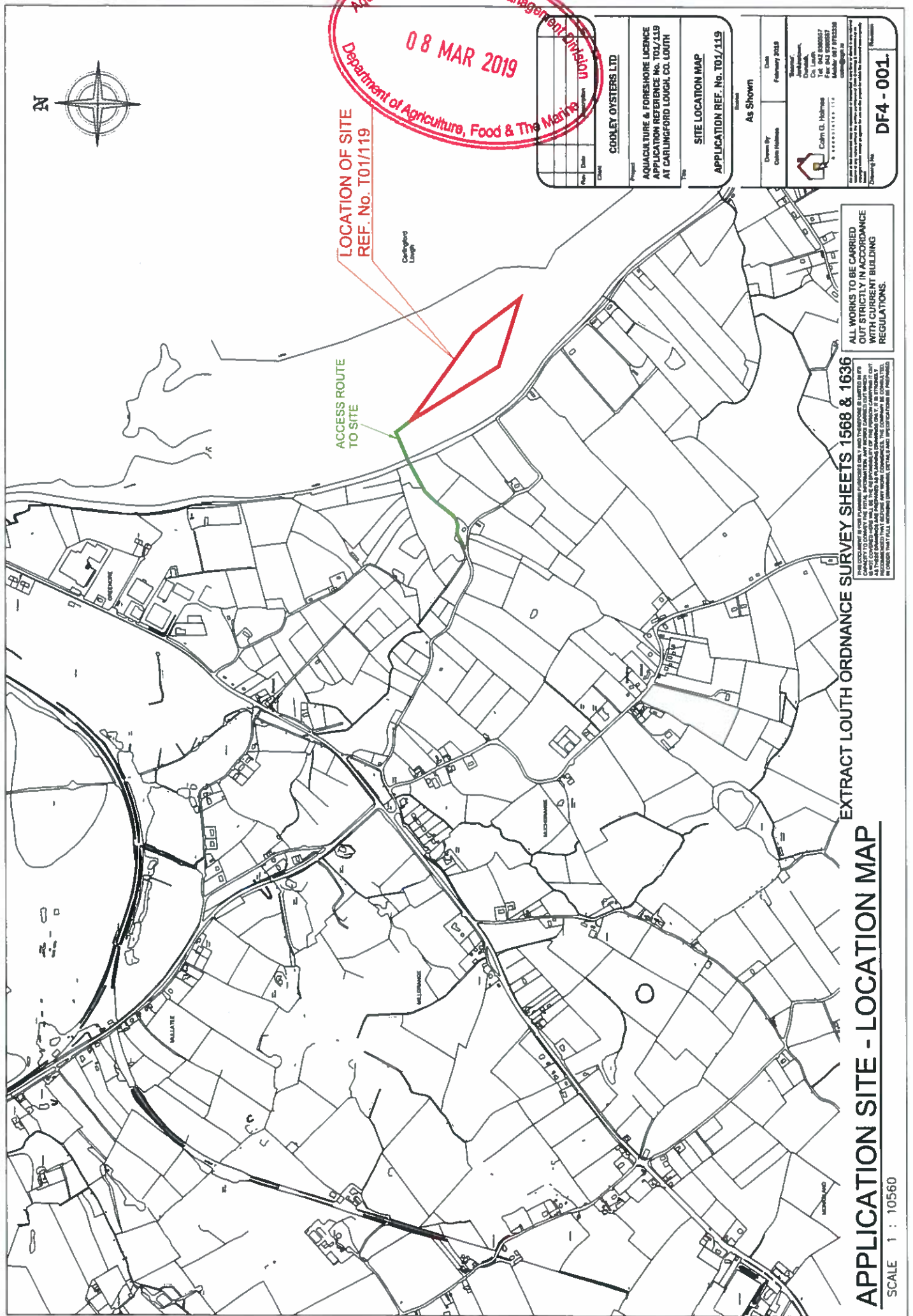
Carlingford Lough

ALL WORKS TO BE CARRIED OUT STRICTLY IN ACCORDANCE WITH CURRENT BUILDING REGULATIONS.

EXTRACT LOUTH ORDNANCE SURVEY SHEETS 1568 & 1636  
 THIS DOCUMENT IS FOR PLANNING PURPOSES ONLY AND THEREFORE IS LIMITED IN ITS CAPABILITY TO CONVEY THE FULL INFORMATION AND DETAIL OF THE SURVEY DATA. AS THESE DOCUMENTS ARE PREPARED BY PLANNING DEPARTMENT ONLY, IT IS STRONGLY ADVISED THAT FULL, UNBROKEN, ORIGINAL, LATEST AND UNMODIFIED INFORMATION BE OBTAINED FROM THE ORIGINAL SURVEY SHEETS.

# APPLICATION SITE - LOCATION MAP

SCALE 1 : 10560



Mr. Campbell, Divisional Engineer

*B. J. C. 28/7/16*

Ms Ann McCarthy. AFMD

**RE: Aquaculture licence application by Ferguson Shellfish (Carlingford) Ltd.  
for an oyster site at Carlingford Lough**

File ref: T01/119

Site ref : 119A

Ms McCarthy's memo (copy attached) of 12/3/16 refers.

Ferguson Shellfish Ltd.'s oyster farm is one of the three large oyster farm operations in Carlingford Lough. The company was set up by Ambrose Ferguson back in 1980s and has grown oysters only since the early 1990s. The present farm is run by Donal Ferguson.

This application is the most recent of a number of applications for sites made by the company in the Ballagan area of Carlingford Lough in recent years. It is adjacent to two application sites [REDACTED] (both sites are already developed by Ferguson Shellfish Ltd. with trestles on them and are not licensed).

Site inspection

I inspected site 119A on 19/7/16. The site had not been developed so far and there were no structures on the site.



View of site 119A (view to northwest from eastern boundary of site)

19/7/16



See site 119A (highlighted) on scaled map titled “MAP 1” overleaf – areas nearby developed with trestles are shown hatched in red.

#### Physical suitability of site

The site is located on intertidal area. The substrate on the site is generally clean sand apart from northern corner where there are some cobbles on the surface. The substrate is moderately firm throughout the site and suitable for supporting trestles. Some shallow wheel tracking is likely under traffic. The gradient is an even fall from west to east. The higher site elevation on the west side is likely to be more suitable for oyster holding than oyster growing



View of typical substrate on the site

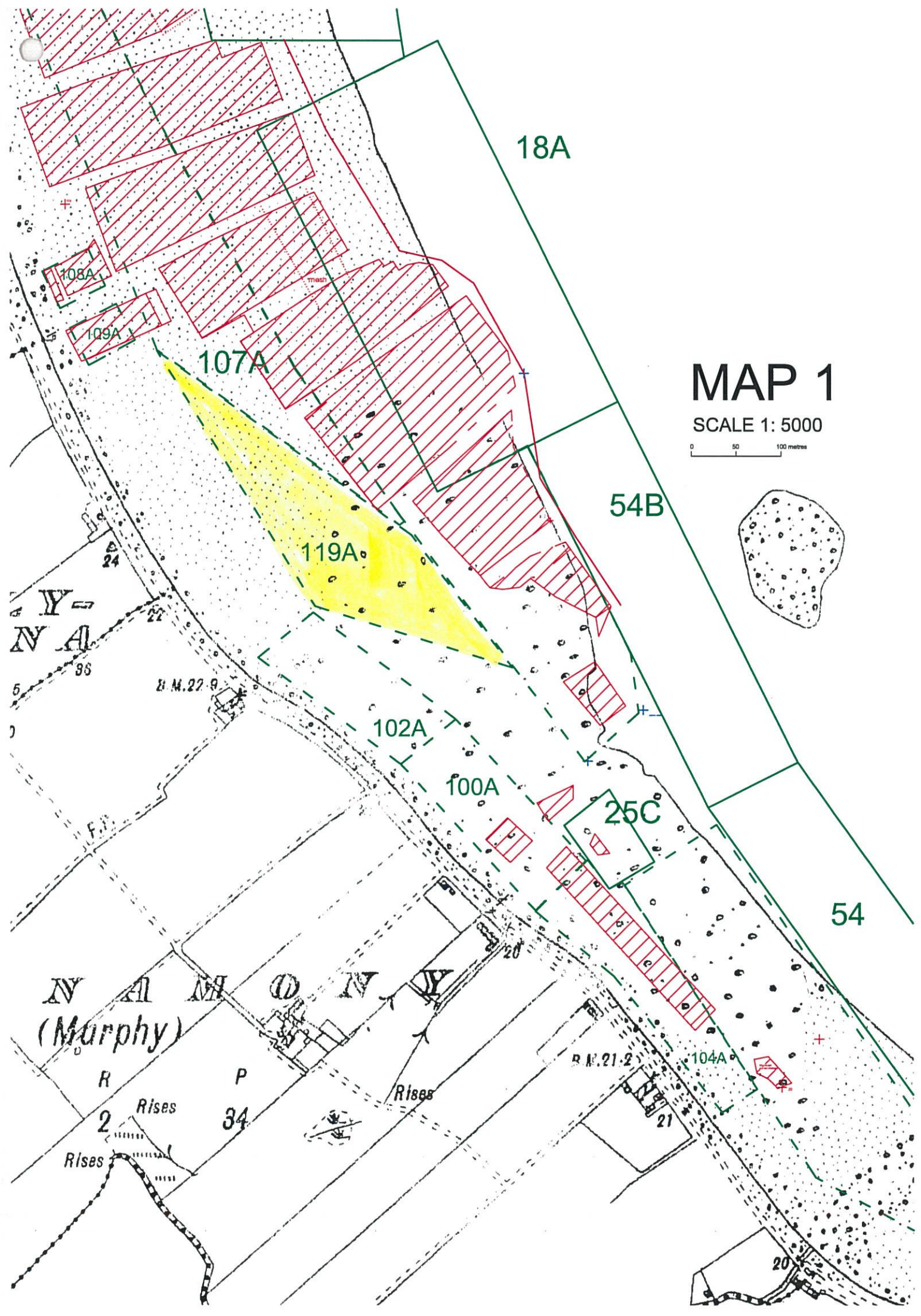
19/7/16

Neighbouring sites are being successfully used for growing oysters on trestles and site 119A which has similar physical characteristics should also be suited for that purpose.

The increased elevation of the Carlingford Lough Oysters Ltd. farm (as evidenced for example by the development on neighbouring application sites [REDACTED] has been prompted by the company’s requirement to use higher ground for slowing growth and for greater ease of access to the oyster stock (during winter months in particular).

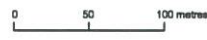
Regarding the cobble covered area at north corner of site, I suggest that if licensed there may need to be a specific condition included prohibiting removal of this remaining stone cover from the site ( as development of a site will often lead to removal of all such cobble material – this has happened nearby) – this stone material offers some natural protection to the foreshore locally.





# MAP 1

SCALE 1: 5000



18A

107A

119A

54B

102A

100A

25C

54

N A M O N Y  
(Murphy)

R

P

Rises

34

Rises

2

Rises

R.N. 21.2

104A

21

20



### Application details

The application form proposes use of 800 trestles on the site. This number seems reasonable given the site size of 3.4 hectares. The proposed production of 20 – 40 tonnes is achievable with that number of trestles although the production is likely to rely on transferring stock into site 119A for ongrowing from other lower levels sites used at seed stage.

### Access

No access map is provided with this application. The applicant is required to provide one in support of the application. Note that site 119A is readily accessible by tractor + trailer from the Ferguson Shellfish Ltd work shed and yard at Ballytrasna. The distance between the northern corner of site 119A and the yard is only 170m. There is a concrete foreshore access ramp from the yard to the shore. // P/S

### Trestle layout drawing

No trestle layout drawing is provided with this application. A trestle detail drawing is also required. //

### Natura 2000 designation

The site is located in a designated Natura 2000 area – in both Carlingford Shore SAC (site 002306) and in Carlingford Lough SPA site (004078). Appropriate assessment of the development will be required.

### Visual impact

Site 119A will be visible at close range (150m) from the shore road at Ballytrasna – see MAP 2 overleaf. This narrow shore road is a popular road for tourist cars in summer – and used by walkers and joggers throughout the year. This area of foreshore (site 119A and its immediate surroundings) is prominently in view to passing vehicles located as it is near a right angled bend where the road for east bound traffic approaches and then turns right to run parallel to the shore. Parking along this section of shore road is limited due to narrowness of the road. There is an access lane to the shore at the road bend where a vehicle may pull in. Traffic speed at this point will be generally slow. The road is also used by pedestrians. I think that visually site 119A is going to be more sensitive than the other sites applied for in the general area. Its visibility is higher than other neighbouring sites primarily because of location and proximity to this shore road. //

If site 119A is developed for oyster farming it will have the effect of bringing the oyster farm expansion significantly closer to the road and infilling some of the last (as yet) undeveloped intertidal area fronting onto Ballytrasna townland. Taking account of other applications made ( refer to MAP 2) the only section potentially left undeveloped and uncovered by trestles at that point would be a 100m deep by 350m wide section 3.5 hectares only – surrounded on three sides by trestles. I think this level of trestle coverage of the intertidal foreshore locally would be excessive.







There is a cumulative impact issue due to the scale of the existing oyster farm activity – the farm of Carlingford Lough Oysters Ltd is essentially one large trestle covered development spread over multiple sites. It is important that a balance is struck between shellfish farm development and amenity value of the shore in the area where it is more visible and accessible to the public.

[REDACTED]

In the case of 119A the northern half of the site will be very much in view at short distance range to road users. They will have an unobstructed view onto this area of shore– be they in cars or on foot. On the assumption that trestle layout and density would be broadly in line with that adopted elsewhere on the existing farm of the applicant I think the magnitude of visual change occasioned by development of site 119A will be high – which when coupled with say moderate level sensitivity (on average) of visual receptors will result in a substantial visual impact from the shore road at Ballytrasna.

Cumulative visual impact for public views on the shore road is also likely to be in the substantial category. Cumulative visual impact has been increasing in line with expansion of the trestle covered area of intertidal shore in recent years. Licensing 119A would cause add on impact.

The southern half of site 119A is less prominently in view and in theory would be less obvious to the viewer than its northern half or [REDACTED]. The licensing of the southernmost part of 119A for intensive aquaculture may not be advisable. It might best be left undeveloped like the northern part - and constitute a clear corridor or buffer zone between areas developed for shellfish aquaculture to east and south.

The visual impact assessment at this point is that it is negative and substantial – on a single site basis and cumulatively with other shellfish farm development. There appears to be little scope for mitigating this substantial impact although this can be looked at further if required. Submission of trestle layout drawings would allow MED to carry out a detailed assessment of the visual impact.

Note that the above assessment does not take account of the private views from a small number of dwellings that would be affected – public views only are considered.

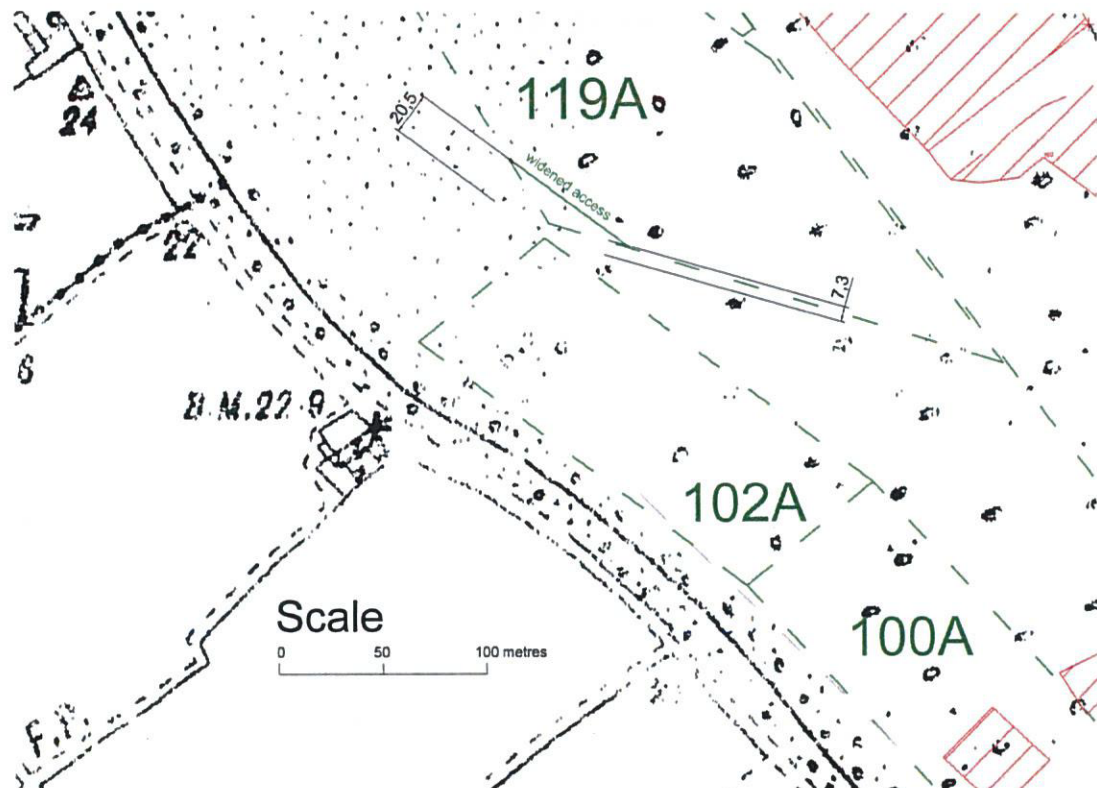
Note also that the small area between 119A and the Ballytrasna shore would need to be kept free of trestle development if visual amenity in this area is to be protected. It would not be sensible to refuse to license site 119A and yet later allow other trestle development even higher up the shore to take place – the concern about preserving a level of visual amenity should in my opinion also apply to the remaining 3.5 hectares of foreshore not as yet applied for.

## Amenity impact

People who use the shoreline at and near Ballytrasna for walking along pass by or through oyster farm trestle covered areas at a number of points. Freedom of access for public pedestrians along this section of foreshore is becoming more constrained by the oyster farm development higher up the shore in the past decade. I think provision for public pedestrian access past these farm sites will therefore need to be specifically catered for in the licensing decision taken

The space gap between [REDACTED] and 119A would become a pinch point for walkers using the beach – that is if both sites were licensed and developed as oyster farming sites.

The free gap between the sites is only 7.3m wide (see map below). Such a narrow opening may not be identifiable to the casual user. It may also be used by farm tractors + trailers .Putting aside the visual impact issue (which may override other considerations) I recommend that the access gap between the sites would need to be made at minimum 20m wide – see map below showing how the gap might be widened by trimming the corner of site 119A:



Accordingly I recommend that the SW corner of site 119A be modified to provide for such a 20m gap. The site area reduction involved would be small. Coordinates of the site as modified would change to

322889, 309356

323171, 309152

323283, 309005



323105, 309062  
323045, 309104

and the site area would reduce to 3.360 Ha.

I also recommend for orderly development reasons that the north and east coordinates of site 119A be extended slightly further to north and east [REDACTED] [REDACTED], rather than leave very narrow unlicensed gaps. These minor shifts of approx. 1 metre have the effect of increasing the overall site area slightly.

Taken together with the recommended widening of the gap between sites [REDACTED] and 119A the modifications result in the following set of coordinates and area:

322889, 309357  
323158, 309163  
323163, 309167  
323285, 309004  
323105, 309062  
323045, 309104

Area 3.432 Ha

If a decision to licence site 119A were to be taken I suggest these changes in site boundaries of site 119A be adopted.

11 NS

#### Other impacts

I don't anticipate navigation impact because of site location high up the shore.

#### Conclusion

Trestle layout drawing, access route map and trestle detail drawing are required.

Appropriate assessment is needed due to location in Natura 2000 areas.

MED preliminary assessment is that this site if developed will give rise to substantial visual impact. There is also an issue with available space left for foreshore amenity usage.

Based on the information available at this point MED recommend refusal of this application on visual amenity grounds and recommend advising the applicant to consider applying for other foreshore area (perhaps further north) which would be less visible from the public road.

*Paul O'Sullivan*

Paul O'Sullivan  
28/7/16

**From:** OSullivan, Paul  
**Sent:** 28 February 2019 17:50  
**To:** OShea, Nicole  
**Subject:** RE: T01/119

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Nicole  
These are OK  
Regards  
Paul O'Sullivan

---

**From:** OShea, Nicole  
**Sent:** 28 February 2019 17:02  
**To:** OSullivan, Paul  
**Subject:** RE: T01/119

Hi Paul,

Please see attached revised maps and drawings submitted for site ref: T01/119, can you please advise if these are in order?

Regards,

Nicole

---

**From:** OSullivan, Paul  
**Sent:** 18 February 2019 17:18  
**To:** OShea, Nicole  
**Subject:** RE: T01/119

Nicole  
This is not ok – the row orientation now provided in the detailed view does not correspond with row orientation on main plan view – they need to be the same  
Regards  
Paul O'Sullivan

---

**From:** OShea, Nicole  
**Sent:** 18 February 2019 17:00  
**To:** OSullivan, Paul  
**Subject:** RE: T01/119

Hi Paul,

Please see attached Farm Layout Drawing which I received today for application ref: T01/119, can you please advise if this is in order? (I have noted that the T reference on the drawing itself is incorrect, which I will ask him to amend)

Regards,

Nicole

---

**From:** OShea, Nicole  
**Sent:** 12 February 2019 12:17  
**To:** OSullivan, Paul  
**Subject:** RE: T01/119

Paul,

Many thanks for this, I will request an adequate layout drawing as described by you below and forward once I receive it.

Regards,  
Nicole

---

**From:** OSullivan, Paul  
**Sent:** 12 February 2019 12:07  
**To:** OShea, Nicole  
**Subject:** RE: T01/119  
Nicole

Access route map and trestle drawing are good. The layout drawing is not adequate – while it helpful in indicating the zones where standard and high trestles would be used it fails to show individual rows and omits to specify proposed spacing between trestle rows and blocks – that level of detail is required and may require use of a larger scale.

Regards  
Paul O'Sullivan

---

**From:** OShea, Nicole  
**Sent:** 12 February 2019 11:53  
**To:** OSullivan, Paul  
**Subject:** RE: T01/119  
Hi Paul,

Please see attached Access Route Map, Farm Layout drawing and Trestle drawing received today for site ref: T01/119. Can you please confirm if these are in order?

Regards,  
Nicole

---

**From:** OSullivan, Paul  
**Sent:** 24 January 2019 09:52  
**To:** OShea, Nicole  
**Subject:** RE: T01/119  
Nicole

First access route map has no land or foreshore shown; Access route map 2 (the 2<sup>nd</sup> attachment) is better I think but is a department gridded map with a line drawn on it – neither access map is good enough– applicant should provide a version of the first access map with the land and foreshore detail of the second included on it ( and no grid lines); The trestle layout drawing seems to show blocks of trestles only; it needs to show trestles at individual row level and to scale so that proposed spacing between rows of trestles ( and blocks) is clear - larger scale drawing with more detail needed for the layout; trestle drawing is ok provided applicant clarifies that the proposal is to use these 1m high trestle throughout the site ( and no other size)

Regards  
Paul O'Sullivan

---

**From:** OShea, Nicole  
**Sent:** 23 January 2019 12:50  
**To:** OSullivan, Paul  
**Subject:** T01/119  
Hi Paul,

Please see attached the following for site T01/119:

- Access Route Maps
- Trestle Drawing
- Farm Layout Drawing

I have also attached your Report of 28/07/2016 for reference.  
Can you please advise if these maps and drawing are in order.

Regards,  
**Nicole O'Shea**

*Higher Executive Officer, Aquaculture & Foreshore Management Division, Marine Finfish Unit*

---

**An Roinn Talmhaíochta, Bia agus Mara**

*Department of Agriculture, Food and the Marine*

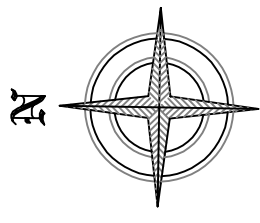
**An Lárionad Bia Mara Náisiúnta, Cloich na Coillte, Corcaigh, P85 TX47**

National Seafood Centre, Clonakilty, Co Cork P85 TX47

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M +353 (0)86 4613567 T +353 (0)2388 59507

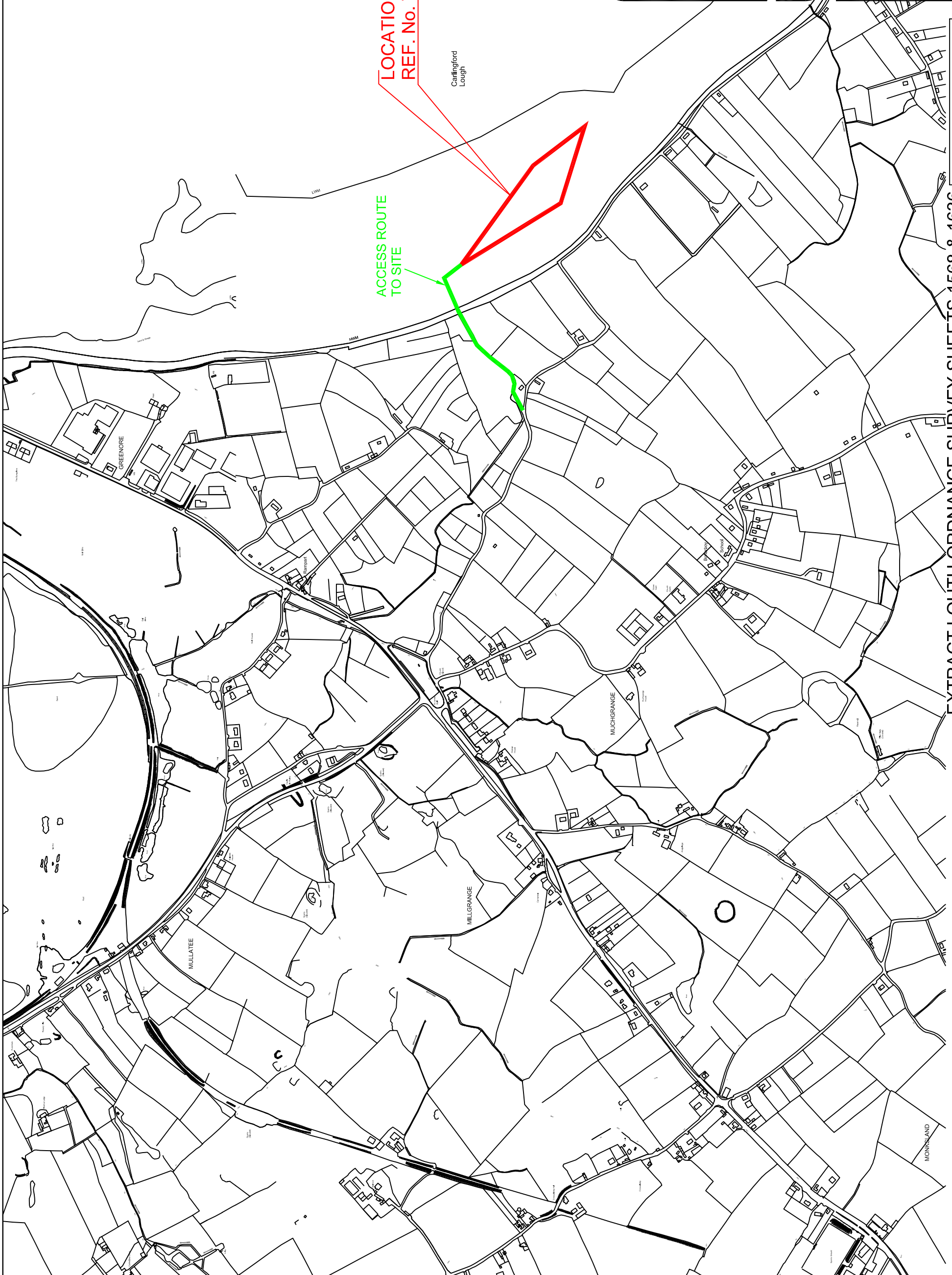
[www.agriculture.gov.ie](http://www.agriculture.gov.ie)



LOCATION OF SITE  
REF. No. T01/119

ACCESS ROUTE  
TO SITE

Carlingford  
Lough



| Rev | Date | Description | By |
|-----|------|-------------|----|
|     |      |             |    |
|     |      |             |    |

Client  
**CARLINGFORD LOUGH OYSTERS LTD**

Project  
**AQUACULTURE & FORESHORE LICENCE  
APPLICATION REFERENCE No. T01/119  
AT CARLINGFORD LOUGH, CO. LOUTH**

Title  
**SITE LOCATION MAP**

**APPLICATION REF. No. T01/119**

Scales  
**As Shown**

Drawn By:  
**Colm Holmes**

Date  
**February 2019**

Beama  
Jenkinson,  
Dundalk,  
Co. Louth,  
Tel: 042 9380557  
Fax: 042 9380557  
Mobile: 087 9793339  
colm@ogh.ie

Colm G. Holmes  
& associates Ltd

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Drawing No.  
**DF4 - 001.**

Revision

ALL WORKS TO BE CARRIED  
OUT STRICTLY IN ACCORDANCE  
WITH CURRENT BUILDING  
REGULATIONS.

EXTRACT LOUTH ORDNANCE SURVEY SHEETS 1568 & 1636

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# APPLICATION SITE - LOCATION MAP

SCALE 1 : 10560



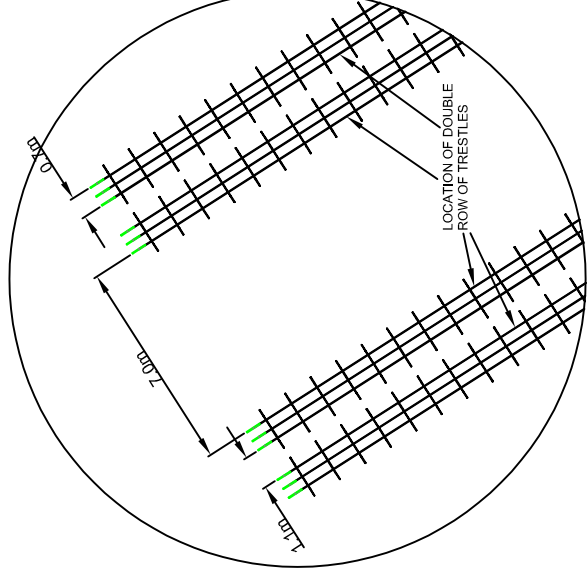
ACCESS ROUTE  
TO SITE

FOR DETAILS  
SEE OVER

LOCATION OF SITE  
REF. No. T01/119

LOCATION OF 1000mm HIGH DOUBLE  
ROW OF TRESTLES - SHOWN IN MAGENTA

LOCATION OF 600mm HIGH DOUBLE  
ROW OF TRESTLES - SHOWN IN BLUE



LAYOUT PLAN OF TRESTLES  
SCALE 1 : 250

# Carlingford Lough

EXTRACT LOUTH ORDNANCE SURVEY SHEETS 1568 & 1636  
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## APPLICATION SITE - SITE PLAN

SCALE 1 : 2500

| Rev | Date | Description | By |
|-----|------|-------------|----|
|     |      |             |    |
|     |      |             |    |
|     |      |             |    |

Client  
**CARLINGFORD LOUGH OYSTERS LTD**

Project  
**AQUACULTURE & FORESHORE LICENCE  
APPLICATION REFERENCE No. T01/119  
AT CARLINGFORD LOUGH, CO. LOUTH**

Title  
**SITE LAYOUT PLAN**

**APPLICATION REF. No. T01/119**

Scales  
**As Shown**

Drawn By:  
**Colm Holmes**

Date:  
**February 2019**

Beama  
Jenkinstown,  
Dundalk,  
Co. Louth,  
Tel: 042 9380557  
Fax: 042 9380557  
Mobile: 087 9793339  
colm@ogh.ie

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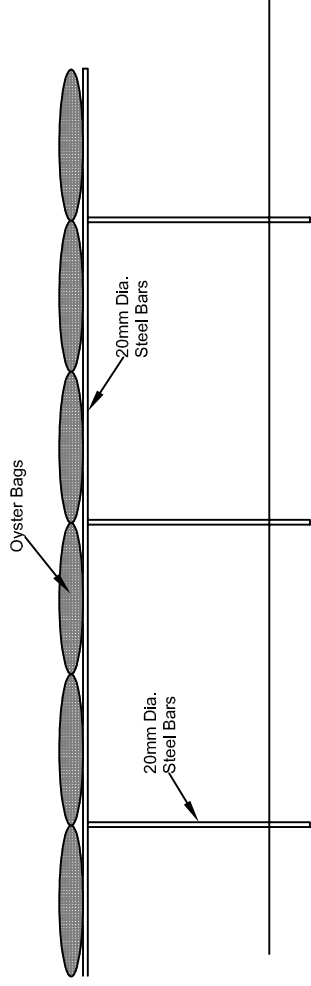
Drawing No.  
**DF4 - 002.**

Revision



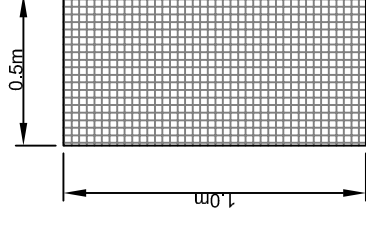
## PLAN - bags not shown for clarity

SCALE 1 : 25



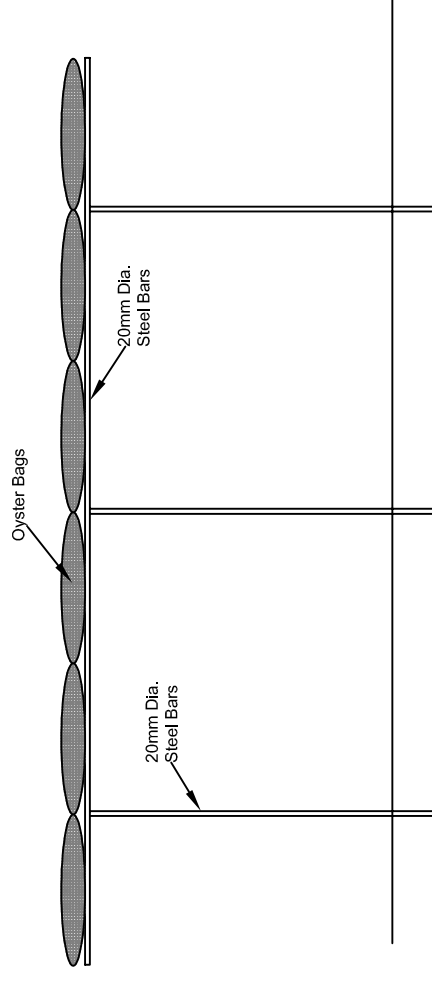
## LONGITUDINAL SECTION

SCALE 1 : 25



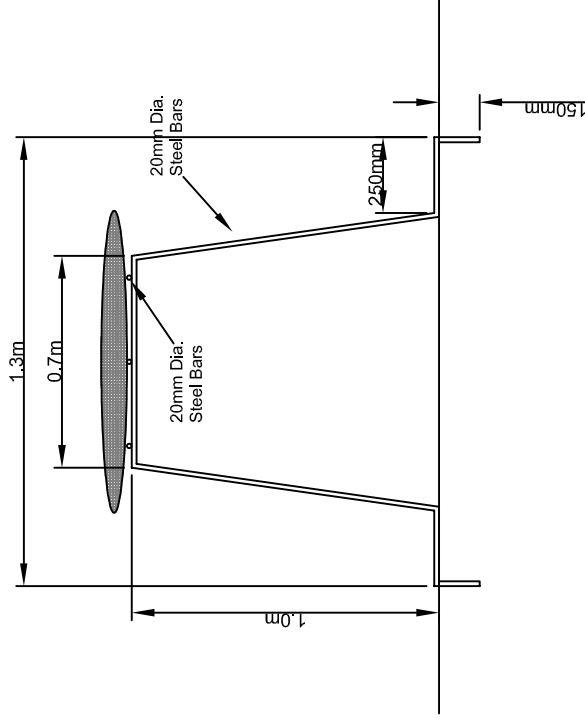
## TYPICAL OYSTER BAG

SCALE 1 : 25



## LONGITUDINAL SECTION

SCALE 1 : 25



## CROSS SECTION

SCALE 1 : 25

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| Rev | Date | Description | By |
|-----|------|-------------|----|
|     |      |             |    |
|     |      |             |    |

|         |   |
|---------|---|
| Client  | CARLINGFORD LOUGH OYSTERS LTD   |
| Project | AQUACULTURE & FORESHORE LICENCE APPLICATION REFERENCE No. T01/119 AT CARLINGFORD LOUGH, CO. LOUGH |
| Title   | DETAILS OF TRESTLES APPLICATION REF. No. T01/119  |

|  |               |
|--|---------------|
| Scales   |               |
| As Shown   |               |
| Drawn By:  | Colm Holmes   |
| Date:  | February 2019 |
|  |               |
| Colm G. Holmes & Associates Ltd<br>Beama, Jenkinstown, Dundalk, Co. Louth, Tek: 042 9380557, Fax: 042 9380557, Mobile: 087 9793339, colm@cgh.ie  |               |
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| Drawing No.  | DF4-003.      |
| Revision   |               |

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**From:** OSullivan, Paul  
**Sent:** 24 September 2019 15:01  
**To:** Kelleher, Sheila  
**Cc:** Campbell, John  
**Subject:** RE: T01/119 Visual Impact

Hi Sheila

Having examined the layout and trestle drawings submitted in February in support of this application I noted that proposed structures and their distribution on the site would be broadly in line with those currently placed on nearby sites ( including use of extra high trestles). I can confirm my preliminary conclusion in report dated 28/7/16 that visual impact arising from proposed development of site 119A would be of substantial significance. This based on published guidance for Aquaculture Landscape and Visual Impact Assessment is grounds for application refusal. The proposed layout of trestles with full usage of site confirms that available space for amenity would be curtailed significantly by this and other nearby proposed oyster farm development. I therefore continue to recommend (as I did in report 28/7/16) that the application to develop site 119A for trestle based oyster farming be refused on visual impact grounds

Regards

Paul O'Sullivan

---

**From:** Kelleher, Sheila  
**Sent:** 19 September 2019 10:33  
**To:** OSullivan, Paul  
**Subject:** T01/119 Visual Impact

Hi Paul

With regard to your report for T01/119 in Carlingford Lough you convey concern regarding visual impact.

I am aware that when this report was completed the layout drawings that accompanied this application were not in your possession. Having viewed these do you have anything to add or make a final recommendation in relation to this site.

Kind Regards

Sheila

Sheila Kelleher  
Aquaculture and Foreshore Management Division  
Department of Food Agriculture and the Marine  
National Seafood Centre  
Clonakilty  
Co Cork

Tel: 023 8859427

Email: [sheila.kelleher@agriculture.gov.ie](mailto:sheila.kelleher@agriculture.gov.ie)



**SFPA Howth response to the Aquaculture licence applications submitted by Cooley Oysters Ltd.**

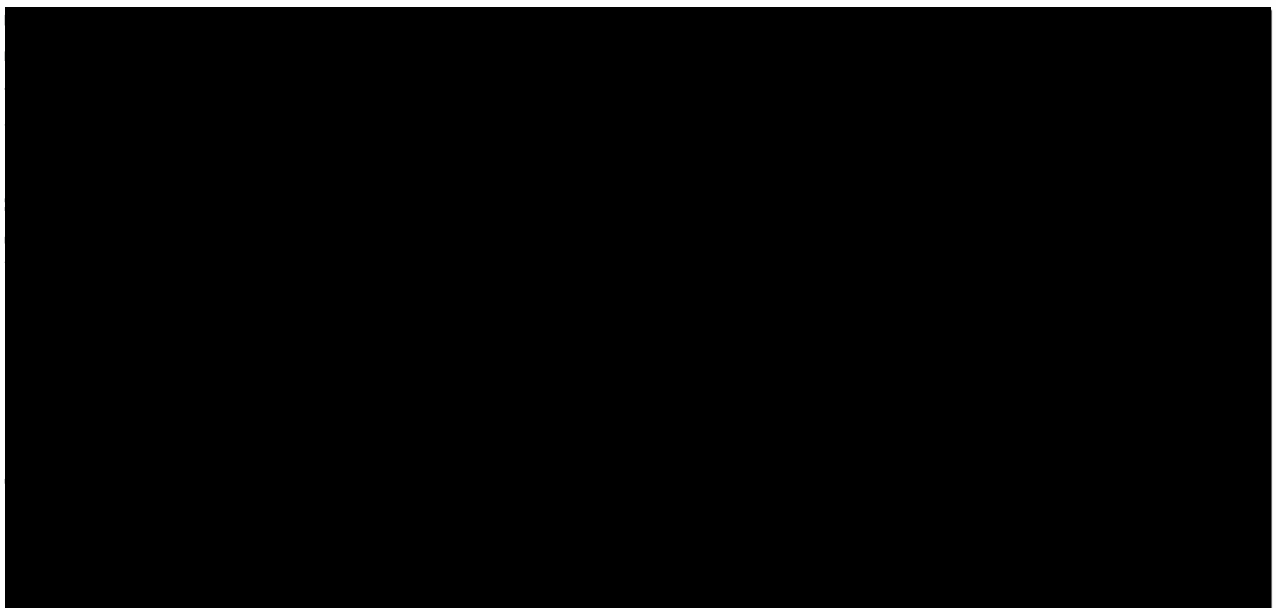
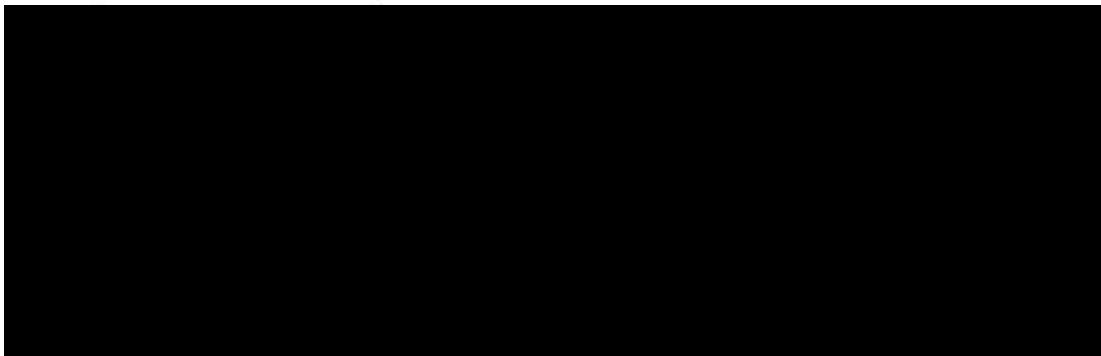
Owner/Operator Name: **Donal Ferguson**

Renewal Aquaculture Licence numbers 9

New Aquaculture Licence numbers 2

Cooley Oysters (formally Ferguson Shellfish) have been farming pacific oysters in excess of 30 years. They currently operate within there 9 sites totalling 65.7Ha. While the main market for their product has been the bulk sale market in Europe, Cooley Shellfish now supply live oysters into Asia on a weekly basis. All harvested product that is destined for the Asian market is purified before being placed on the market for direct consumption. Cooley Oysters Ltd, are inspected on a regular basis by officers of the SFPA for the export of harvested shellfish to Asia. All sites in production are classified A status (SFPA Classification June 2019) <https://www.sfpa.ie/What-We-Do/Molluscan-Shellfish/Classified-Areas>

**Renewal Application File Numbers**





**New Application File Numbers**

T01/119A BALLAGAN 3.434Ha  


Cooley Oysters Ltd operates within three areas of the greater Carlingford Lough. 2 new sites totalling 5.007Ha are situated in the area of Ballagan. Both sites are intertidal and no wild fisheries are present within the licenced sites. Official control inspections can be carried out at low tide on both sites. The sites are not adjacent to any WWTP discharge point. Cooley Oysters Ltd operate a purification tank system and along with routine sampling for microbial and viral contamination in its shellfish sites which are in current production. It is unlikely that shellfish grown and harvested from these two sites will pose any additional risk to human health from direct consumption of shellfish.

**Declan McGabhann**  
Sea Fisheries Protection Officer

Sea Fisheries Protection Authority  
Howth Fisheries Harbour Centre  
West Pier  
Howth  
Co. Dublin

## Kelleher, Sheila

**From:** KILBANE Lawrence [LawrenceKILBANE@dtas.gov.ie]  
**Sent:** 10 October 2019 09:27  
**To:** OCallaghan, Grace; OShea, Nicole; Kelleher, Sheila  
**Cc:** O'CALLAGHAN Tom  
**Subject:** Aquaculture Applications Carlingford Lough.

**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.**

Ref: Aquaculture License applications [REDACTED] 119A [REDACTED] Cooley  
Mussels Ltd

Good morning all,

This office has no objections from a navigational viewpoint to the above applications.

- In order for charts and nautical publications to be updated the British Admiralty Hydrographic Office at Taunton , UK, is to be informed of the location and nature of the site.  
(Fax:0044 1823 284077, email : : [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk))
- The applicant is required to apply to the Commissioners of Irish Lights  
(Fax: 01-2715566, email: [info@irishlights.ie](mailto:info@irishlights.ie)) for sanction to establish the following lights and marks:

As Carlingford Lough is a CLAMS bay the site is to be marked in line with the SUMS and conducive to safe navigation.

Rgds

Capt. Lawrence Kilbane  
Nautical Surveyor

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

Lána Liosain, Baile Átha Cliath, D02 TR60  
Leeson Lane, Dublin, D02 TR60

T + (0) 1 604 1563 M +(0) 85 870 9456  
[Lawrencekilbane@dtas.gov.ie](mailto:Lawrencekilbane@dtas.gov.ie) [www.dttas.gov.ie](http://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.

Tá ár Ráiteas Príobháideachta le fáil ar [www.dttas.gov.ie](http://www.dttas.gov.ie)

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\*\*\*\*\*



Commissioners of  
**IRISH LIGHTS** | Navigation  
and Maritime  
Services

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Co. Dublin, Ireland

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W [www.irishlights.ie](http://www.irishlights.ie)

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

*Your Reference:* T01/119A

*Our Reference:* LA:0165.0540

*Date:* 31/05/2019

LL: LA 0165.0540

**Applicant:** Cooley Oysters Ltd

**Site:** Carlingford Lough, Co. Louth

Dear Ms. Kelleher,

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 eNavigation and Maritime Services

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





*Marine Institute*  
Foras na Mara

Rinville,  
Oranmore,  
Co. Galway  
Tel: 091 387200

Date: 01 July 2019

**Sheila Kelleher**  
Aquaculture and Foreshore Management Division  
Department of Agriculture, Food and the Marine  
Clogheen,  
Clonakilty  
Co. Cork.

**Advice on Aquaculture Licence Application**

|                          |  |
|--------------------------|--|
| <b>Applicant</b>         | Cooley Oysters Ltd   |
| <b>Application type</b>  | New  |
| <b>Site Reference No</b> | T01/119A   |
| <b>Species</b>           | Oysters ( <i>C. gigas</i> ) – bags and trestles  |
| <b>Site Status</b>       | Located within the Carlingford Lough SPA (Site Code 004078) and the Carlingford Shore SAC (Site Code 002306)<br>Located within the Carlingford designated Shellfish Growing Waters Area. |

Dear Sheila

This is an application for an aquaculture licence for the cultivation of oysters (*C. gigas*) using bags and trestles at Site T01/119A on the foreshore at Carlingford Lough, Co. Louth. The area of foreshore at Site T01/119A is 3.434Ha

Site T01/119A is located within the Carlingford designated Shellfish Growing Waters Area.

Under Annex II of EU Regulation 854/2004 oysters in this area of Carlingford Lough currently have an “A” Classification.

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

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 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 T01/119A is located within the Carlingford Lough SPA (Site Code 004078) and the Carlingford Shore SAC (Site Code 002306). 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’Beim, 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/louth/CarlingfordShoreSpecialAreaofConservationSAC21052019.pdf>

<sup>3</sup>

<https://www.agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/appropriateassessments/louth/CarlingfordLoughSpecialProtectionAreaSPA21052019.pdf>

Natura conclusion statement<sup>4</sup> in regard to the impacts on the Conservation Objectives within the Carlingford Lough SPA and the Carlingford Shore SAC.

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.

Information on the source of seed for the sites has not been provided and the MI recommends that this information be sought from the applicant prior to any final licence determination being made.

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 sites, 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 these sites. 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.



**From:** Donal Ferguson <fergfish@hotmail.com>  
**Sent:** 05 July 2019 10:35  
**To:** Kelleher, Sheila  
**Subject:** Re: Source of Seed Request

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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Dear Sheila,

We source our oyster seed from four different hatcheries in France:

**France Naissain,  
Satmar,  
Grainocean,  
Marinove.**

All seed imports are registered with the Marine Institute and the import takes place after making an Application and receiving approval from the Marine Institute.  
Our Reg Number for any movement is FHA-000297.

Please let me know if you need any further information.

Best regards,  
Donal

Cooley Oysters Ltd  
Muchgrange, Greenore, Co. Louth,  
Tel: +353876486162  
A91 FN50



**The world's first national  
food sustainability programme**

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**From:** Kelleher, Sheila  
**Sent:** Thursday 4 July 2019 15:31  
**To:** 'Donal Ferguson'  
**Subject:** Source of Seed Request

Hi Donal

Could you please forward information with regard to the source of your seed for sites in Carlingford Lough.

I look forward to hearing from you

Kind Regards

Sheila

Sheila Kelleher

Aquaculture and Foreshore Management Division

Department of Food Agriculture and the Marine

National Seafood Centre

Clonakilty

Co Cork

Tel: 023 8859427

Email: [sheila.kelleher@agriculture.gov.ie](mailto:sheila.kelleher@agriculture.gov.ie)

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An Roinn Talmhaíochta, Bia agus Mara

Tá an t-eolais san ríomhphost seo, agus in aon ceangláin leis, faoi phribhléid agus faoi rún agus le h-aghaidh 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.





**From:** Francis X O Beirn <Francis.XOBeirn@Marine.ie>  
**Sent:** 21 October 2019 16:22  
**To:** OShea, Nicole  
**Cc:** Kelleher, Sheila; Terry McMahon  
**Subject:** RE: Carlingford Lough  
**Attachments:** Carlingford - MI Response to DCHG SC submissions Oct 2019.pdf

**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.

Hi Nicole,

Please see the observations from the MI on the submissions received in relation to Carlingford Lough aquaculture licence submissions.

DCHG – see attached

SFPA – no observations

Louth Co. Co. – no observations

DHPLG - no observations

BIM – We note the BIM comments and accept the premise proposed as regards the area of some sites likely to be used when calculating carrying capacity. This constraint was noted in the modelling report cited.

An Taisce – We note the subject field in the An Taisce communications which appear to be a reference to Scoping under the EIA Directive (2011/92/EU) – we suggest this may be a typographical error.

The reference to Carrying capacity and how it is dealt with in terms of licencing is a matter for DAFM to consider. In this regard, the MI note the comments of BIM. The MI suggest that BIM might be consulted to determine if advice can be provided on estimating ecological carrying capacity in Carlingford Lough with greater resolution.

Mussel dredging – the impacts of mussel dredging are noted. It is the view of the MI that information from published literature should be presented completely and not selectively. In Dolmer and Frandsen (2002) the reference to epifauna changing in communities following dredging in the Limfjorden may have been also attributed to the fact the area is considered eutrophic and subject to annual oxygen depletion, i.e., stressed and not just mussel dredging. An Taisce did not appear to consider this alternative observation in the submission.

Please do not hesitate to contact me if you have any other queries.

All the best,  
Francis

Francis O'Beirn PhD  
Team Leader Benthos Ecology  
Marine Institute  
Rinville, Oranmore  
Galway, Ireland

H91R673

Landline: + 353 91 387250

Mobile: +353 87 9683094

**Please note, from Thursday 17<sup>th</sup> October, the Marine Institute & Irish Maritime Development Office's new Dublin location is Three Park Place, Upper Hatch Street, Dublin 2, D02 FX65**

---

**From:** OShea, Nicole [<mailto:Nicole.OShea@agriculture.gov.ie>]

**Sent:** Wednesday 9 October 2019 17:23

**To:** Francis X O Beirn <[Francis.XOBeirn@Marine.ie](mailto:Francis.XOBeirn@Marine.ie)>; Terry McMahon <[Terry.McMahon@Marine.ie](mailto:Terry.McMahon@Marine.ie)>

**Subject:** Carlingford Lough

Hi Francis & Terry,

Please see attached comments received as part of the Statutory Consultation for licence applications in Carlingford Lough. Can you please let us have any observations in relation to nature conservation and water quality in light of these comments in advance of finalising the conclusion statement. I have attached the draft conclusion statement also for reference. (Also please note any comments that are redacted in the above attachments were not accepted and cannot be considered as they were received outside of the statutory consultation period.)

Regards,

**Nicole O'Shea**

*Higher Executive Officer, Aquaculture & Foreshore Management Division,*

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**An Roinn Talmhaíochta, Bia agus Mara**

*Department of Agriculture, Food and the Marine*

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

National Seafood Centre, Clonakilty, Co Cork P85 TX47

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## An Roinn Talmhaíochta, Bia agus Mara

Tá an t-eolais san ríomhphost seo, agus in aon ceangláin leis, faoi phribhléid agus faoi rún agus le h-aghaidh 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 scrios an t-ábhar ó do ríomhaire le do thoil.

**Date: 17/10/2019**

**To: Nicole O'Shea, AFMD-DAFM**

**From: Francis O'Beirn, Marine Institute**

**CC: Sheila Kelleher – DAFM; Terry McMahon, Marine Institute**

**Re: DCHG Statutory consultation on Carlingford Lough aquaculture applications/renewals**

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Two communications from DCHG to DAFM as part of statutory consultation process for Carlingford Aquaculture licencing were forwarded to the Marine Institute by DAFM on October 9<sup>th</sup>, 2019. The submissions are dated July 30, 2019 and September 16<sup>th</sup> 2019. We will respond to the submissions in the order in which they are dated.

***DCHG communication July 30<sup>th</sup>, 2019***

The advice from DCHG is consistent with the advice in the AA report.

We note the offer from DCHG to input into the design of the monitoring programme. This is to be welcomed; however, receiving this communication at this time (October 2019) means that the MI are not in a position to take DCHG up on the offer, as the tender to carry out the monitoring work was advertised in July/August and a contract since offered. We note in the DCHG communication that a previous communication providing the same information was dated 10<sup>th</sup> July 2019. A summary of the monitoring programme is outlined below.

1. This programme will focus on systematic monitoring of Light-bellied brent Geese distribution in Carlingford Lough SPA.
2. The programme will monitor numbers and spatial distribution of Light-bellied brent geese in Carlingford Lough SPA. As part of this the use of trestles (i.e., structures used in aquaculture production) for foraging should be investigated; looking at frequency of use; numbers feeding; timing during the tidal cycle and seasonality. The objective will be to provide a quantitative understanding of the degree that trestles provide foraging opportunities for Light-bellied brent geese and to what degree this can compensate for habitat loss.
3. In addition, incidents of disturbance will also be recorded. This should consider issues such as response to tractors using the access lanes and response to workers. When workers are on site how close do geese forage on trestles. This would help to inform the decision on new applications and the degree to which infilling and extension towards the shore might negatively impact upon geese.
4. Monitoring will also consider patterns of use of eelgrass within the lough. There is an ongoing programme of colour ringing Light-bellied brent geese which would allow for the identification of individual birds. This can also assist with looking for patterns of turnover of individuals early in the season, which will in turn give a greater understanding of the numbers of birds using Carlingford Lough during autumn migration; over-winter and during spring migration.
5. Monitoring to encompass one 'winter' seasons 2019/2020 with final reporting due in May 2020.
6. The report will present a summary of site-use by the shorebird species while also providing a commentary on the likely interactions with aquaculture activities and any other prominent features on the shore, specifically as it relates to species distribution within the site.

Further comments from DCHG relate to use of habitats within the SPA. This monitoring programme is designed to capture this information. However, it is important to point out that habitats outside of the Carlingford Shore SPA are as important as they may be found within other SPAs (in Northern Ireland or Dundalk Bay) and are thus worthy of consideration.

In relation to access routes crossing the *Zostera* beds, it has been proposed to minimise the extent of routes actually crossing *Zostera* beds in order to protect the habitat. The revised routes have been agreed in conjunction with the operators, BIM, AFMD and MED

The reference to licence conditions which cover, among other things, any further actions that might be required in the event of deterioration of conservation status of habitats/species at site level that is directly attributable to shellfish culture operations is a matter for DAFM to consider.

### ***DCHG communication September 16<sup>th</sup>, 2019***

DCHG highlight that, in the applications considered in this communication, it is proposed to utilise an alternative culture methodology.

It is important to note that the profile provided to the MI and the text in the application forms (Section: 2.2-ix) clearly states that trestle and bag culture method will be utilised. Notwithstanding, it would appear that a diagram in some latter/revised applications included a floating bag system which is a variation on the bag and trestle method. If this system were to be used, it is the view of the MI that this would not result in any appreciable disturbance to the seabed beneath the trestles. This system would allow for good water flow beneath the trestles, thus avoiding build-up of fine sediment. Studies in Canada<sup>1</sup> comparing floating systems (all be they somewhat different than those proposed in Carlingford) demonstrated no appreciable difference in sediment biogeochemistry beneath the system and control locations. Furthermore, the purpose of the system is to ensure that oysters in the bags are turned using hydrodynamic forces rather than by operators. This would result in less handling necessary on the shore and thus less activity and potential to disturb bird species at the sites.

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<sup>1</sup> Mallet, A.L. C.E. Carver, T. Landry. 2006. Impact of suspended and off-bottom Eastern oyster culture on the benthic environment in eastern Canada. *Aquaculture* 255 (2006) 362–373

**From:** OSullivan, Paul  
**Sent:** 25 October 2019 12:34  
**To:** OShea, Nicole  
**Subject:** RE: Carlingford Lough

Hi Nicole

The only comment I have to make is regarding the suggestion in BIM submission that sites [REDACTED] must be considered "realigned" in some way based on some submission in 2007. This is patently ridiculous. The sites are where they are mapped in the previous licences and again in the renewal application forms, maps and coordinates advertised and also as shown in AA.

Aquaculture development on unlicensed areas inshore of these sites or elsewhere in the Lough was to my knowledge never consented to by the Department and remains unauthorised to this day. In my opinion it is an obstacle to licensing 16 applications by various operators that are currently under consideration and I have raised this issue of unauthorised oyster farming development on these application sites in my reports - the following application sites in Carlingford Lough are relevant [REDACTED]

[REDACTED] Development in advance of a licensing decision has also taken place more recently on application sites [REDACTED]  
Regards

Paul O'Sullivan

---

**From:** OShea, Nicole  
**Sent:** 24 October 2019 15:16  
**To:** OSullivan, Paul  
**Subject:** FW: Carlingford Lough  
**Importance:** High

Hi Paul,

Apologies, but I omitted to include you when I forwarded observations received during the Statutory Consultation phase for Carlingford Lough. Can you please let me know as soon as possible if you have any MED comments to make on these observations. We are currently trying to finalise the Conclusion Statement and therefore would greatly appreciate a quick response on this.

Regards,

Nicole

---

**From:** OShea, Nicole  
**Sent:** 09 October 2019 17:23  
**To:** ([Francis.XOBeirn@Marine.ie](mailto:Francis.XOBeirn@Marine.ie)); 'Terry.McMahon@marine.ie'  
**Subject:** Carlingford Lough

Hi Francis & Terry,

Please see attached comments received as part of the Statutory Consultation for licence applications in Carlingford Lough. Can you please let us have any observations in relation to nature conservation and water quality in light of these comments in advance of finalising the conclusion statement. I have

attached the draft conclusion statement also for reference. (Also please note any comments that are redacted in the above attachments were not accepted and cannot be considered as they were received outside of the statutory consultation period.)

Regards,

**Nicole O'Shea**

*Higher Executive Officer, Aquaculture & Foreshore Management Division,*

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**DEPARTMENT OF AGRICULTURE, FOOD AND THE MARINE**

**Appropriate Assessment –Conclusion Statement**

**Carlingford Lough**

**Carlingford Shore SAC (Site Code: 002306) & Carlingford Lough SPA (Site Code: 004078)**

**October 2019**



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

### **Appropriate Assessment Conclusion Statement by Licensing Authority in support of the Appropriate Assessment of Aquaculture in Carlingford Shore Special Area of Conservation (Site Code: 002306) & Carlingford Lough Special Protection Area (Site Code: 004078)**

**October 2019**

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This Conclusion Statement outlines how it is proposed to licence and manage aquaculture activities in the above Special Area of Conservation (SAC) and Special Protection Area (SPA) – Natura 2000 sites - in compliance with the EU Birds and Habitats Directives. Aquaculture in these Natura Sites will be licensed in accordance with the standard terms and conditions as set out in the aquaculture licence templates. These are available for inspection on the Department's website at:

<http://www.agriculture.gov.ie/seafood/aquacultureforeshoremanagement/aquaculturelicensing/>

Furthermore, the licences will also incorporate specific conditions so as to accommodate Natura requirements, as appropriate, in accordance with the principles set out in this document.

An Appropriate Assessment report relating to aquaculture in the Carlingford Shore SAC and Carlingford Lough SPA has been prepared by the Marine Institute in relation to marine habitats and Atkins Ecology/Marine Institute in relation to bird species on behalf of the Department of Agriculture, Food and the Marine (available on the Department's website). The Appropriate Assessment process considered the potential ecological impacts of aquaculture activities on Natura features in the SAC and SPA.

In addition to the Carlingford Shore SAC and Carlingford Lough SPA, there are a number of other SACs and SPAs proximate to the proposed aquaculture activities and a screening was carried out on their likely interaction with aquaculture.

The information upon which the Appropriate Assessment process is based is the definitive list of existing licences and applications for aquaculture available at the time of assessment.

### **The Appropriate Assessment Process**

The function of an Appropriate Assessment is to determine if the ongoing and proposed aquaculture activities are consistent with the Conservation Objectives for the Natura 2000 sites, i.e. will aquaculture activities lead to deterioration in the attributes of the habitats and species over time and in relation to the scale, frequency and intensity of the activities. The National Parks and Wildlife Service (NPWS) provide guidance on interpretation of the Conservation Objectives which are, in effect, management targets for habitats and species in Natura 2000 sites. The assessment of activities was informed by this guidance, which is scaled relative to the anticipated sensitivity of the habitats and species to disturbance by the proposed activities. Some activities are deemed to be wholly inconsistent with long term maintenance of certain sensitive habitats while other habitats can tolerate a range of activities. For the practical purpose of management of sedimentary habitats a 15% threshold of overlap between disturbing activity and a habitat is given in the NPWS guidance. Below the threshold disturbance is deemed to be non-significant. Disturbance is defined as that which leads to a change in the characterizing species of the habitat (which may also indicate change in structure and function). Such disturbance may be temporary or persistent in the sense that change in characterizing species may recover to pre-disturbed state or may persist and accumulate over time.

The Appropriate Assessment process is divided into a number of stages consisting of a preliminary risk identification and subsequent assessment (allied with recommended mitigation measures, if necessary). The first stage of the process is an initial screening wherein activities are identified which are deemed not to have any impact on the conservation features because they do not spatially overlap with a given habitat or have a clear pathway for interaction. These activities are excluded from further consideration. The next phase is the preparation of a Natura Impact Statement (NIS) where interactions with conservation features are identified. Further to this, an assessment on the significance of the likely interactions between activities and conservation features is conducted. Mitigation measures (if necessary or possible) will be introduced in situations where the risk of significant disturbance is identified. In situations where there is no obvious mitigation to reduce the risk of significant impact, it is advised that caution should be applied in licensing decisions. Overall, the Appropriate Assessment is both the process and the assessment undertaken by the Competent Authority to effectively validate the Appropriate Assessment reports and/or the NIS. It is important to note that the screening process is considered conservative in that activities which may overlap with habitats but which may have very benign effects are retained for full assessment.

## **Special Area of Conservation (SAC)**

### **Aquaculture Activities in the SAC**

Aquaculture activities within and adjacent to the Carlingford Shore SAC focus on the subtidal culture (bottom culture) of the blue mussel, *Mytilus edulis*, and the intertidal (bags and trestle) cultivation of the Pacific oyster, *Crassostrea gigas*.

### **Aquaculture and Habitats/Species**

In Carlingford Lough (ROI waters) there are 12 existing mussel licences for which an application for renewal has been received. There are a further 7 sites for which new mussel licence applications have been received (3 of which are already covered by an existing licence). There are 17 fully licensed oyster production sites, and an additional 5 sites licensed for oysters and clams, for which applications for renewal of licences have been received. There are 24 new oyster licence applications and 2 new licence applications for oysters and mussels. Of the currently licensed mussel sites, there is approximately a 1% overlap the Carlingford Shore SAC and 3.06% of the new mussel application sites overlap. Of the currently licensed oyster sites, 35.27% overlap the Carlingford Shore SAC and 77.6% of the new oyster applications overlap. The likely interaction between aquaculture activity and conservation features (habitats and species) of the site was considered.

An initial screening exercise resulted in all habitat features being excluded from further consideration. None of the aquaculture activities (existing and/or proposed) overlap or likely interact with the following features or species, and therefore the following habitats were excluded from further consideration in the assessment:

- Annual vegetation of drift lines [1210]
- Perennial vegetation of stony banks [1220]

Despite seals not being qualifying interests of the Carlingford Shore SAC, the likely interactions between the proposed aquaculture activities and seals were assessed as there are a number of haul out sites in Carlingford Lough.

Negative interactions with seals cannot be discounted at the haul out location entitled 'Seal Rock' on the southern shore of the Lough. Licensing at the relevant sites was considered and measures proposed to reduce the potential disturbance to seals to negligible levels, e.g. introduce a sufficient buffer around the seal site in order to avoid disturbance.

The other haul out locations within the bay are considered not to be at risk from aquaculture practices.

### **Other Considerations**

Fishing activities in the Lough do not overlap annexed habitats for which the SAC is designated and as a result it is considered that fishing both along and in combination with aquaculture activities is not disturbing to the qualifying interests of the SAC.

On the basis of overlap of access routes with eel grass beds in the SAC, alternative access routes were identified that specifically avoid eel grass beds and provide some buffer against accidental intrusion.

The ecological carrying capacity in Carlingford Lough seems to be exceeded in all bar two aquaculture sectors and therefore additional licensing is not recommended in these areas.

### **Special Protection Area (SPA)**

Carlingford Lough SPA [004028] comprises two portions of the Lough extending from Carlingford Harbour to Ballagan Point, with Greenore in between. The predominant habitats within the SPA are intertidal sand and mud flats.

Currently there are 34 aquaculture sites operating off the southern shore of Carlingford Lough. The inner bay is used to produce mussels, while the outer bay is used to produce oysters and mussels. Oyster production is carried out within and throughout the majority of the SPA. No fisheries are currently operational within the Lough. There is a Fisheries Natura Declaration (under Regulation 9 of the European Union (Birds and Natural Habitats) (Sea-fisheries) Regulations 2013) in place overlapping with the SPA, prohibiting the production of mussels or harvest of seed stock from this area.

### **Status of species in Carlingford Lough SPA**

#### **Light-bellied brent Geese**

In the *Conservation Objective Supporting Document*, NPWS indicate a long-term population trend (up to 25 years) of -1% or Intermediate (Unfavourable) status for Light-bellied brent geese in Carlingford Lough SPA; due to incomplete IWeBS data this is based on the UK Wetland Bird Survey 'Alerts System' which considers the entire lough. However, in contrast,



more recent targeted Light-bellied brent geese counts are significantly higher; they show a large increase in numbers of Light bellied brent geese in Carlingford Lough from the baseline population of 253 (1995/96-1999/00). The maximum recorded was 687 birds in December 2010 (a count of international importance). This is more in line with the observed national trend for Light-bellied brent geese which is positive.

## **Mussels**

The area of current mussel aquaculture licences is 591.6 ha; while there are applications for a further 322.96ha. This gives a total of 914.56ha of current applications. Subtidal mussel cultivation is located entirely outside of Carlingford Lough SPA. Subtidal waters deeper than 0.5m are beyond the feeding range for Light-bellied brent geese and would not be used by geese for foraging. As noted, while birds may occasionally roost on such waters during daylight hours, Light-bellied brent geese using Carlingford Lough roost overnight in Dundalk Bay. Patterns of boat activity should not therefore negatively impact on brent geese use of the SPA.

Mussels are laid on the seabed; there are no physical structures on the shoreline or subtidally. Geese will continue to have access to the shore to feed on intertidal algae. Negative impacts on Light-bellied brent geese are not anticipated from the licensing of existing and new applications.

In conclusion, it is not anticipated that Light-bellied brent geese would be negatively impacted by the licensing of mussel cultivation in Carlingford Lough. This includes renewal of existing licences and new applications.

## **Oysters**

With respect to oyster cultivation there are 112.7ha previously licensed and 117.47ha of new applications (230.13ha). These are largely located within the SPA. Carlingford Lough SPA is comprised of 304ha of subtidal habitat; 285ha of intertidal habitat and 9ha of supratidal habitat (NPWS, 2013a) (i.e. 598ha). In total the Lough is ca. 51km<sup>2</sup> in area (5,100ha). However, based on admiralty charts and NPWS mapping the amount of available intertidal/shallow subtidal waters (across the tidal range) can extend to as much as 475ha within the SPA (ca. 80% of available habitat, within the SPA). With respect to oyster cultivation the applications could result in trestle coverage of ca. 23.7% of available habitat for existing licences and ca. 24.7% for new applications; or 48.4% of available habitat within the SPA; this figure will increase on neap tides, but could decrease somewhat on spring tides.

As outlined in the *Methods* section of the Appropriate Assessment report the approach taken in the past has been to look at the relationship between the area proposed for aquaculture and areas of suitable habitat within the SPA/bay. However, in the case of Carlingford Lough only a small portion of the bay is designated as a SPA, while Light bellied brent geese are known to use extensive areas outside the SPA; along the north shore in Northern Ireland and within the SPA in UK waters. Therefore, to take the above percentages as representative of the level of displacement within Carlingford Lough as a whole would be misleading as there are extensive areas of shoreline and intertidal habitat used by Light-bellied brent geese throughout the Lough. Use of the wider Lough was therefore also considered. Also the loss of foraging habitat due to placement of trestles may also be offset in part by these structures acting as stable sites upon which green algae growth can grow; though it should be noted that maintenance of oyster bags will seek to remove excess algae growth to prevent negative impacts on oysters being cultivated.

Martin (2011) recorded peak counts of 438 birds in Zone 1 (Ballagan to Greenore; March 2011) and 412 in Zone 2 (Greenore to Carlingford; Dec 2010); both sites clearly can support large numbers of brent geese even with present levels of aquaculture. It is, therefore, not anticipated that Light-bellied brent geese would be negatively impacted by the renewal of existing licensing for oyster cultivation in Carlingford Lough.

With respect to south of Greenore the existing trestles on the lower shore do appear to have moved up the shore to follow the shoreline and avoid the deeper subtidal channel. Behind the trestles is an area of shore that can be utilised by Light-bellied brent geese. However, there are also new applications south of Greenore which propose to extend further up the shore as well as extend the area of trestle cover southwards towards Ballagan. While brent geese seem to have acclimated to present patterns of aquaculture activity it is not clear whether they could continue to use the site if the area between the existing trestles and the shoreline were infilled; or if loss of foraging opportunities would be adequately offset by growth of green algae on the trestles. During the Loughs Agency 2012 survey this area south of Greenore (S2) accounted for 23% of goose observations; displacement of birds to this extent would result in a significant level of displacement if geese were displaced by proposed activities.

## **Terns**

Terns are a species for which Carlingford Lough SPA (UK9020161) has been designated. There is no spatial overlap between the proposed aquaculture sites and the nesting sites on islands at the mouth of Carlingford Lough. Access by boat and tractor will not result in disturbance of birds nesting on these islands. It is not anticipated that licensing of the

current proposals of mussel and oyster cultivation licences would negatively impact upon tern species for which Carlingford Lough SPA has been designated.

### **Recommendations**

With respect to licensing of new oyster culture applications, there are a number of areas of uncertainty. For example, the potential for increased levels of activity and infilling to negatively impact on early season use of eelgrass beds north of Greenore is unclear. In particular the risk of increased usage of access tracks could result in displacement of birds and loss of foraging time. The importance of eelgrass to birds early in the season and potential use by birds using Carlingford Lough as a stopover before continuing to migrate to site further south is of note. Furthermore, as previously noted, the risk that infilling with trestles towards the shoreline might impact on foraging more generally cannot be fully discounted.

A programme of monitoring of numbers and spatial distribution of Light-bellied brent geese will be implemented in Carlingford Lough to consider the potential impact of new applications. As part of this the use of trestles for foraging will be investigated; looking at frequency of use; numbers feeding; timing during the tidal cycle and seasonality. The objective would be to provide a more quantitative understanding of the degree that trestles provide foraging opportunities for Light-bellied brent geese and to what degree this can compensate for any potential habitat loss.

Incidents of disturbance will also be recorded. This will consider issues such as response to tractors using the access lands and response to workers, as it was noted that geese at Carlingford seem to have acclimated to such activities. When workers are on site it will be assessed how close to trestles brent geese tend to forage. This would help to inform the decision on new applications and the degree to which infilling an extension towards the shore might negatively impact the geese.

### **ISSUES RAISED DURING THE AQUACULTURE LICENSING PROCESS FOR SITES IN CARLINGFORD SHORE (SITE CODE 002306) and CARLINGFORD LOUGH SPA (SITE CODE 004078)**

A number of issues relevant to the Appropriate Assessment were raised during the aquaculture licensing consultation process. These issues have been considered by the Department and its scientific advisors and are addressed below:

## **1. Breach of Carrying Capacity**

**Comment:** *'The impact of licensing should be seriously considered in terms of its potential to breach the carrying capacity'.*

**Response:** The carrying capacity of Carlingford Lough was addressed in the Appropriate Assessment. Aquaculture sites to be licensed will be brought within ecological carrying capacity thresholds and not result in a net increase in the carrying capacity.

## **2. Dredging of Mussels**

**Comment:** *'The main concern is the use of dredging as a mean to harvest the mussels'.*

**Response:** The concerns of the impact of mussel dredging are noted along with reference to a publication on the topic by Dolmer and Frandsen (2002). However, an alternative observation to the impact of mussel dredging in the Limfjorden was also included in this publication but not referenced in the submission. Reference to changes in epifauna changing in communities following dredging in Limfjorden may also have been attributed to the fact the area is considered eutrophic and subject to annual oxygen depletion, that is stressed (therefore not just impacted by mussel dredging). Furthermore, it should be noted there is no other viable method to harvest bottom-grown mussels.

## **3. Calculation of Carrying Capacity**

**Comment:** *'We are concerned that unused sites are preventing aquaculture expansion elsewhere in Carlingford Lough by adversely affecting the theoretical ecosystem carrying capacity which is referenced in the Appropriate Assessment'.*

**Response:** The Department accepts the premise proposed as regards the area of some sites likely to be unused when calculating carrying capacity. This constraint was noted in the modelling report cited.

## **4. Seal Haul out areas**

**Comment:** *'Some modification is required to protect the seal haul out area at Perch/Black Rock'.*

**Response:** Aquaculture sites to be licensed will be redrawn to maintain a buffer of approximately 200 metres radius from the Seal Rock haul out site.



## 5. Light bellied Brent geese

**Comment:** *'A significant negative impact on the Light-bellied Brent geese within Carlingford Lough SPA by proposed new oyster cultivation cannot be ruled out. It is recommended that prior to the granting of licenses, the proposed monitoring programme as outlined in the Draft Conclusion Statement be carried out'*.

**Response:** The tender to carry out the monitoring work was advertised in July/August 2019 and a contract since offered. A summary of the monitoring programme is outlined below;

- This programme will focus on systematic monitoring of Light-bellied brent Geese distribution in Carlingford Lough SPA.
- The programme will monitor numbers and spatial distribution of Light-bellied brent geese in Carlingford Lough SPA. As part of this the use of trestles (i.e., structures used in aquaculture production) for foraging should be investigated; looking at frequency of use; numbers feeding; timing during the tidal cycle and seasonality. The objective will be to provide a quantitative understanding of the degree that trestles provide foraging opportunities for Light-bellied brent geese and to what degree this can compensate for habitat loss.
- In addition, incidents of disturbance will also be recorded. This should consider issues such as response to tractors using the access lanes and response to workers. When workers are on site how close do geese forage on trestles. This would help to inform the decision on new applications and the degree to which infilling and extension towards the shore might negatively impact upon geese.
- Monitoring to encompass one 'winter' seasons 2019/2020 with final reporting due in May 2020.
- The report will present a summary of site-use by the shorebird species while also providing a commentary on the likely interactions with aquaculture activities and any other prominent features on the shore, specifically as it relates to species distribution within the site.

## 6. Suitable habitat outside the SPA

**Comment:** *When assessing the potential impacts of aquaculture activities on the availability of suitable habitat for Light-bellied Brent Geese (an SCI for the SPA), the*

*Appropriate Assessment for Carlingford Lough SPA considers the availability of suitable habitat outside the SPA. The assessment needs to take into account the availability of suitable habitat within the SPA, not outside it.'*

**Response:** This monitoring programme is designed to capture this information. However, it is important to point out that habitats outside of the Carlingford Lough SPA are as important as they may be found within other SPAs (in Northern Ireland or Dundalk Bay) and are thus worthy of consideration.

## **7. Mitigation Measures and Management Actions**

**Comment:** *'The buffer zone around the keystone community – Zostera be a minimum of 30m as agreed with DAFM in Cotbber 2013 should also be included'*

**Response:** In relation to access routes crossing the *Zostera* beds, it has been proposed to minimise the extent of routes actually crossing *Zostera* beds in order to protect the habitat. The revised routes have been agreed in conjunction with the operators, BIM, AFMD and MED.

## **8. New methodology culture of oysters**

**Comment:** *'A new method is being employed for culture of oysters within the site. While scientific assurance has been provided on the impact of the traditional intertidal bag and trestle method, no such assurance has been provide for this new methodology'*

**Response:** The Department notes alternative culture methodology is proposed within the site but it is considered that the use of such technology would not result in any appreciable disturbance to the seabed beneath the trestles. This system would allow for good water flow beneath the trestles, thus avoiding build-up of fine sediment. Studies in Canada comparing floating systems (all be they somewhat different than those proposed in Carlingford) demonstrated no appreciable difference in sediment biogeochemistry beneath the system and control locations. Furthermore, the purpose of the system is to ensure that oysters in the bags are turned via hydrodynamic forcing rather than by operators. This would result in less handling necessary on the shore and thus less activity and potential to disturb bird species at the sites.

## **SUMMARY OF MITIGATION MEASURES AND MANAGEMENT ACTIONS THAT ARE BEING IMPLEMENTED AS A CONSEQUENCE OF THE FINDINGS IN THE APPROPRIATE ASSESSMENT REPORT**

Taking account of the recommendations of the Appropriate Assessment, as well as additional technical/scientific observations, the following measures are being taken in relation to licensing aquaculture in this SAC and SPA:

- Sites to be licensed will be redrawn to maintain a buffer of approximately 200 metres radius from the Seal Rock haul out site.
- Where necessary, proposed access routes will be amended and a Licence condition will be inserted requiring strict adherence to the approved access routes over intertidal habitat in order to minimise species/habitat disturbances.
- Aquaculture sites will be brought within Ecological Carrying Capacity thresholds.
- A programme of monitoring numbers and spatial distribution of light-bellied brent geese will be implemented to consider the potential impact of new applications. An Adaptive Management Plan will be applied based on the results of this targeted monitoring programme of light-bellied brent geese. In the event of increased or significant levels of displacement of light-bellied brent geese being observed, specific management actions (with a view to reducing disturbance effects) will be implemented. These will be operationalised in licence conditions.
- All aquaculture licences are subject to standard licence conditions which cover, among other things, any further actions that might be required in the event of deterioration of conservation status of habitats/species at site level that is directly attributable to shellfish culture operations.
- A Licence condition will be inserted requiring full implementation of the measures set out in the draft Marine Aquaculture Code of Practice prepared by Invasive Species Ireland (e.g. <http://invasivespeciesireland.com/cops/aquaculture>).
- The movement of stock in and out of Carlingford Shore SAC and Carlingford Lough SPA should adhere to relevant fish health legislation.
- The use of updated and enhanced Aquaculture and Foreshore Licences containing terms and conditions which reflect the environmental protection required under EU and National law.

## **Conclusion**

The Licensing Authority is satisfied that subject to adaptation of the above-listed mitigation measures, aquaculture licensing is not likely to significantly and adversely affect the integrity of the Carlingford Shore Special Area of Conservation and Carlingford Lough Special Protection Area.

**October 2019**