

# **AGR 00773-19: Recommendation to Grant a Variation of Aquaculture/Foreshore Licences for 2 sites (T05/432 B & C)**

## **Action required**

Ministerial Determination on Aquaculture/Foreshore Licensing Applications (T05/432 B & C)

## **Executive summary**

The Minister's determination is requested please in relation to two renewal and review applications for Aquaculture Licences from Crookhaven Fishermen's Association Ltd., c/o Jimmy Newman, Crookhaven, Co. Cork.

The renewal applications are for the cultivation of Scallops using cages on the seabed and the reviews propose to add the cultivation of native Green, Brown and Red Seaweeds using floating longlines at two sites numbered T05/432B (6.0647 ha) and T05/432C (14.4895 ha), totalling 20.5542 ha on the foreshore in Crookhaven Harbour, Co. Cork

It is recommended that only the cultivation of Scallops on the seabed without the cage structures be permitted as Sites T05/432 B and C both extend over and have the potential to conflict with an existing subsea pipeline. The proposed floating Seaweed longline structures, as applied for in the review, are not being permitted due to potential impacts on navigation and safe access into Crookhaven Harbour, the existing beneficial usages of this area and visual amenity in an area renowned for its unspoilt views and natural landscape.

There is also a submission in respect of these applications for Foreshore Licences, for the Minister's consideration.

It is recommended that the Minister determines the **granting of a variation** of the Aquaculture Licence renewals and reviews sought and associated Foreshore Licences for the reasons outlined in the 'Detailed Information' section below.

## **Detailed information**

**Note: Tabs may contain additional information which is subject to redaction if transmitted to third parties.**

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**Recommendation to Grant a Variation of Aquaculture Licence Renewals and Reviews for two sites (refs: T05/432 B & C)**

## **DECISION SOUGHT**

The Minister's determination is requested please in relation to two renewal and review applications for Aquaculture Licences from Crookhaven Fishermen's Association Ltd., c/o Jimmy Newman, Crookhaven, Co. Cork for sites numbered T05/432 B and C in Crookhaven Harbour, Co. Cork.

A submission in respect of the applications for Foreshore Licences is also set out below, for the Minister's consideration.

## **BACKGROUND**

Marine aquaculture operations require separate Aquaculture and Foreshore Licences and Ministerial approval is required in respect of this submission (Aquaculture Submission) and submission below (Foreshore Submission) which refer to the same sites.

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.

## **APPLICATIONS FOR AQUACULTURE LICENCES**

The renewal and review applications for Aquaculture Licences have been received from the applicant referred to above (in conjunction with applications for Foreshore Licences) for the cultivation of both Scallops using cages on the seabed and native Green, Brown and Red Seaweeds using floating longlines in relation to two sites – T05/432B (6.0647 ha) and T05/432C (14.4895 ha), totalling 20.5542 ha on the foreshore in Crookhaven Harbour, Co. Cork (see **Tab A**).

## **LICENCE FEES**

There are outstanding Section 19 A. (4) fees associated with these licences. This issue is being dealt with through the standard debt management procedures.

## **LEGISLATION**

Section 7 of the Fisheries (Amendment) Act 1997 provides that the Licensing Authority (i.e. the Minister, delegated officer or, on appeal, the Aquaculture Licences Appeals Board) may, if satisfied that it is in the public interest to do so, license a person to engage in aquaculture.

Section 70 of the Fisheries (Amendment) Act 1997 provides that the Minister may, on the application of the Licensee made at any time after the expiration of a period of three years after the granting of the licence, review an Aquaculture Licence.

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 applications were sent to the Department’s technical experts, statutory consultees and were also publicly advertised in a composite public notice covering both aquaculture and foreshore elements.

### **Technical Consultation**

Observations/Comments were made by Technical Advisers as follows (see **Tab B**):

Marine Engineering Division (MED): MED stated that the renewal applications are for the subtidal cultivation of Scallops using cages located on the seabed. The applicant also intends to install 16 longlines at Site T05/432B and 48 longlines at Site T05/432C for cultivating aquatic plants.

MED established that the original site location maps did not accurately reflect the licensed areas. MED prepared revised site co-ordinates and maps which resulted in the total hectareage of Sites T05/432 B and C being amended slightly from 21.75 ha to 20.5542 ha. The applicant was informed and the applications were sent to the public and statutory phase of the licensing process showing the revised areas of T05/432B (6.0647 ha) and T05/432C (14.4895 ha), totalling 20.5542 ha.

MED stated that Crookhaven is a large, sheltered picturesque harbour and a popular location for sailing. MED observed that there is currently no existing aquaculture activity in the area.

The adjacent stretch of roadway is designated as a scenic route (S102) and the sites are also visible from the R591 roadway which is part of the Wild Atlantic Way. The sites are also adjacent to high value scenic landscapes as described in the Cork County Development Plan 2014.

There are fishing and marine leisure activities in the area. Sites T05/432 B and C are located at the mouth of Crookhaven Harbour. Site T05/432B is situated parallel to the entrance channel into Crookhaven Harbour. The existing entrance channel is already relatively narrow for sailing and leisure crafts entering the harbour. Both sites are adjacent to significant marine leisure activities at Crookhaven Pier.

MED observed that there would be no visual impact from bottom culture at these sites. However, they stated that the proposed floating structures restrict safe access into Crookhaven Harbour and conflict with the significant sailing and marine leisure related activities which take place within the harbour.

MED observed that bottom culture only should be licensed at these sites and not the proposed floating seaweed longline structures.

MED also stated that the developments, as proposed, have the potential to conflict with navigational safety as Sites T05/432 B and C both extend over an existing subsea pipeline identified by the Marine Survey Office. MED concluded that a bottom culture method for

cultivating scallops without the cage structures would be acceptable. They confirmed that no structures should be permitted within Sites T05/432 B and C.

Marine Survey Office (MSO): The MSO have navigational concerns in relation to these developments as Sites T05/432 B and C both extend over a subsea pipeline. MED recommended that no structures should be permitted within the two sites and the MSO noted their observations. Therefore, no navigation marks are required and the licence holder does not have any special rights relating to surface navigation in the licensed areas.

It is also proposed to insert a specific condition covering MSO matters in any licence 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 (SFPA): The SFPA stated that the issuing of a licence for the cultivation of scallops and seaweeds in the area identified as T05/432B would have no negative impact on local sea fishing operations. However, they observed that aquaculture activity at Site T05/432C could potentially impact on local sea fishing for shrimp as shrimp pots are routinely set in this area.

### **Statutory Consultation**

Regulation 10 of the Aquaculture (Licence Application) Regulations, 1998 requires certain statutory bodies to be notified of an Aquaculture Licence application.

Observations/Comments were made by Statutory Consultees as follows (see **Tab C**):

Marine Institute (MI): The MI has no objection to the renewals and reviews of these licences. They are of the view that given the location, nature and scale of the aquaculture activities, there will be no significant impacts on the marine environment and the quality status of the area will not be adversely affected.

The MI noted that Sites T05/432 B and C are currently licensed for the production of Scallops only. They observed that the sites are not located within a designated Shellfish Growing Waters Area. They stated that the implications of licensing sites that are not located within a designated Shellfish Growing Waters Area should be fully considered as part of the licensing process. They also observed that Scallops in Crookhaven Harbour are currently not classified under Annex II of EU Regulation 854/2004.

The MI noted that Sites T05/432 B and C are not located within a designated Natura 2000 site. The MI completed an Appropriate Assessment Screening Report for Crookhaven Harbour and Toormore Bay (see **Tab D**) and stated that significant impacts on any adjacent Natura 2000 site are not likely. The Screening Report found there is no spatial overlap between these aquaculture sites and the adjacent Natura 2000 sites at Barley Cove to Ballyrisode Point Special Area of Conservation (SAC), Roaringwater Bay and Islands SAC and the Sheeps Head to Toe Head Special Protection Area (SPA). It is considered, therefore, that the cultivation of shellfish and seaweeds in Crookhaven Harbour and Toormore Bay are not likely to affect the conservation features of adjoining Natura 2000 sites and as such do not

require a full appropriate assessment. The MI concluded that there will be no significant effects on the qualifying features/interests of the adjacent Natura 2000 sites from the proposed aquaculture activities.

The MI made the following recommendations:

- The initial source of seed/seeded strings for both Scallops and Seaweeds and other sources which may be used at any point in the future should be approved by DAFM. This approval should be a specific condition of any licence that may issue;
- The Licensee is required to draw up a Contingency Plan, for the approval of DAFM, which shall identify 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.

These issues can be dealt with by way of licence conditions to this effect.

Commissioners of Irish Lights (CIL): CIL have no objection to these applications and stated that no navigable intertidal channels should be impeded by activities at the sites. Referring to Site T05/432B, CIL stated that access to and from the quay serving the Lighthouse at Rock Island must not be impeded in any way. This can be addressed in the licensing conditions for this particular site.

The nature of bottom cultivation would generally indicate that there is no navigational hazard. From this perspective, there should be no obstructions of any kind above the seabed and no moorings or marker buoys should be placed on the sites. The licence holder does not have any special rights regarding anchoring in the licensed areas.

CIL stated that the UK Hydrographic Office at Taunton must be informed of the developments' geographical position in order to update nautical charts and other nautical publications.

Department of Culture, Heritage and the Gaeltacht (DCHG): The DCHG provided nature conservation and underwater archaeology observations on these applications.

They commented on the Appropriate Assessment Screening Report for aquaculture activities in Crookhaven Harbour and Toormore Bay from a nature conservation perspective. They observed that no servicing areas, where equipment might be stored or materials disposed of, were proposed in the Screening Report. They stated that servicing areas should not be either inside any adjoining Annex I habitat or in an area where they are likely to have an impact on the Annex I habitat. DAFM contend that risks to conservation features at adjoining Natura 2000 sites relating to storage of equipment, access and disposal of waste are dealt with through standard licensing conditions.

The DCHG also recommended that an Underwater Archaeological Impact Assessment (UAIA) be carried out as the sites are located within a rich maritime cultural landscape. They noted that there is the potential that the anchors/seabed impact from the aquaculture activities could affect underwater cultural heritage and associated material or artefacts in the area. They stated that an underwater archaeological dive survey is required for all areas that are to be impacted by anchors/dredging activity and that this should be accompanied by a hand held metal detection survey. The UAIA report should include recommendations for further

archaeological mitigation if deemed necessary and should be forwarded to the Underwater Archaeology Unit (UAU) of the National Monuments Service in the DCHG for their comments.

DAFM note that the recommended licences for these sites are for bottom culture only without the cage structures. No structures will be permitted within Sites T05/432 B and C and the applicant proposes to harvest the scallops by diving, not dredging.

Nevertheless, the DCHG concerns can be dealt with by way of licence conditions to this effect.

Inland Fisheries Ireland (IFI): The IFI had no objection to these applications and requested that only native seed stock species are used and that all necessary measures are undertaken in relation to biosecurity within the developments.

Bord Iascaigh Mhara (BIM): BIM did not provide observations in relation to these specific site references.

Department of Housing, Planning and Local Government (DHPLG): No observations were received from DHPLG in respect of these applications from a water quality or foreshore perspective.

An Taisce: No comments were received from An Taisce in respect of these applications.

Cork County Council: No comments were received in respect of these applications.

Irish Water: No comments were received in relation to these applications.

Fáilte Ireland: No comments were received on these applications.

Údarás na Gaeltachta: No comments were received.

## **Public Consultation**

The applications were publicly advertised using a composite public notice covering both aquaculture and foreshore elements in 'The Southern Star' on 20<sup>th</sup> July 2019. The applications and supporting documentation were available for inspection at Bantry Garda Station for a period of 4 weeks from the date of publication of the notice in the newspaper.

There were **no** objections received from the public consultation process.

## **Response to Statutory and Public Consultation**

In accordance with statutory requirements, copies of the observations received during the consultation process were forwarded to the applicant for comment.

The applicant did not provide a response to the submissions received during the consultation period.

## **CRITERIA IN MAKING LICENSING DECISIONS**

The Licensing Authority, in considering an application, is required by statute to take account, as appropriate, of the following points and also be satisfied that it is in the public interest to license a person to engage in aquaculture:

- **the suitability of the place or waters**

*Technical advice indicates that the proposed floating seaweed longline structures would restrict safe access into Crookhaven Harbour and conflict with the significant sailing and marine leisure related activities which take place within the harbour.*

*Sites T05/432 B and C both extend over an existing subsea pipeline identified by the Marine Survey Office. MED concluded that a bottom culture method for cultivating scallops without the cage structures would be acceptable. They confirmed that no structures should be permitted within Sites T05/432 B and C.*

*It was also observed that the adjacent stretch of roadway is designated as a scenic route (S102) and the sites are also visible from the R591 roadway which is part of the Wild Atlantic Way. The sites are also adjacent to high value scenic landscapes as described in the Cork County Development Plan 2014. However, there would be no visual impact from bottom culture at these sites.*

- **other beneficial uses of the waters concerned**

*The proposed floating seaweed longline structures have the potential to negatively impact on the visual amenity of this area of Crookhaven Harbour. The longline structures would also be in conflict with the public amenity uses of this area including fishing, boating and other marine leisure activities in the area.*

- ***the particular statutory status of the waters***

### Natura 2000

*Sites T05/432 B and C in Crookhaven Harbour are not located within a designated Natura 2000 site. The Appropriate Assessment Screening Report for Crookhaven Harbour and Toormore Bay (which is available on the Department's website) found that the cultivation of shellfish and seaweeds in Crookhaven Harbour and Toormore Bay should have no significant effects on the qualifying features/interests of the adjacent Natura 2000 sites.*

## Shellfish Waters

*The sites are not located within a designated Shellfish Growing Waters Area and Scallops in Crookhaven Harbour are currently not classified under Annex II of EU Regulation 854/2004.*

*The SFPA is the competent authority for the classification of shellfish areas and can conduct a classification programme for Scallops in the area, should licensing occur, once notified by the Licensee to this effect.*

- **the likely effects on the economy of the area**

*Aquaculture has the potential to provide a range of benefits to the local community. However, note has also to be taken of tourism interests and marine leisure activities in the area.*

- **the likely ecological effects on wild fisheries, natural habitats, flora and fauna**

*No significant issues arose regarding wild fisheries. However, aquaculture activity at Site T05/432C could potentially impact on local sea fishing for shrimp as shrimp pots are routinely set in this area. The potential ecological impacts of aquaculture activities on natural habitats, flora and fauna are addressed in the Appropriate Assessment Screening Report for Crookhaven Harbour and Toormore Bay (which is available on the Department's website).*

- **the effect on the environment generally**

*Following 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 by aquaculture activity at these sites.*

*The DCHG have requested that an Underwater Archaeological Impact Assessment (UAIA) be carried out in the area. The UAIA report should include recommendations for further archaeological mitigation if deemed necessary and should be forwarded to the Underwater Archaeology Unit (UAU) of the National Monuments Service in the DCHG for their comments. This issue can be dealt with through licensing conditions.*

## **RECOMMENDATION**



These applications for the renewals and reviews of two Aquaculture Licences have been subject to a rigorous examination and the recommendation is based on the best advice available.

Accordingly, it is recommended that the Minister:

**approves the granting of a variation** of the Aquaculture Licence renewals and reviews sought to Crookhaven Fishermen's Association Ltd., c/o Jimmy Newman, Crookhaven, Co. Cork for two sites numbered T05/432B (6.0647 ha) and T05/432C (14.4895 ha), totalling 20.5542 ha on the foreshore in Crookhaven Harbour, Co. Cork, for a period of ten (10) years, for the purpose of cultivating Scallops on the seabed without cages or any other structures in accordance with the terms and conditions of the attached draft Aquaculture Licences (see **Tab E**).

It is not intended to license the cultivation of native Green, Brown and Red Seaweeds using floating longlines at Sites T05/432 B and C, as applied for in the reviews, and the proposed aquaculture activities are not permitted under the terms and conditions of the attached draft Aquaculture Licences.

This recommendation is based primarily on technical observations relating to the suitability of the sites for bottom culture scallops and not for the proposed floating seaweed longline structures. The longline structures would restrict safe access into Crookhaven Harbour and conflict with the significant sailing and marine leisure related activities which take place within the harbour. In addition, the proposed longlines have the potential to negatively impact the visual amenity of this area of Crookhaven Harbour. However, there would be no visual impact from bottom culture at these sites and it is also proposed that the Scallops be seeded onto the seabed without any structures as both sites extend over and have the potential to conflict with an existing subsea pipeline.

## **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 Applications – T05/432B and T05/432C**

*Crookhaven Fishermen's Association Ltd., c/o Jimmy Newman, Crookhaven, Co. Cork have applied for further authorisation to cultivate Scallops using cages on the seabed and reviews to add the cultivation of native Green, Brown and Red Seaweeds using floating longlines on two sites numbered T05/432B (6.0647 ha) and T05/432C (14.4895 ha), totalling 20.5542 ha on the subtidal foreshore in Crookhaven Harbour, Co. Cork.*

*The Minister for Agriculture, Food and the Marine has determined that it is **in the public interest** to grant a variation of the Aquaculture Licence renewals and reviews sought and associated Foreshore Licences for these sites i.e. only Scallops seeded onto the seabed without any structures will be permitted. The proposed floating Seaweed longline structures, as applied for in the reviews, are not being permitted due to potential impacts on navigation and safe access into Crookhaven Harbour, the existing beneficial usages of this area and visual amenity in an area renowned for its unspoilt views and natural landscape.*

*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 statutory provisions. The following are the reasons and considerations for the Minister's determination to **grant a variation** of the licences sought:-*

- Technical advice is to the effect that the waters are suitable for the production of bottom culture scallops and not suitable for the proposed floating seaweed longline structures which would restrict safe access into Crookhaven Harbour and conflict with the significant sailing and marine leisure related activities which take place within the harbour;*
- The proposed longline structures have the potential to negatively impact the visual amenity of this area of Crookhaven Harbour. However, no visual impacts arise from bottom culture scallops at these sites;*
- The scallops shall be seeded onto the seabed without the proposed cages or any other structures as both sites extend over and have the potential to conflict with an existing subsea pipeline;*
- There should be no significant impacts on the marine environment and the quality status of the area should not be adversely affected by aquaculture at these sites;*
- The aquaculture at these sites should have a positive effect on the economy of the local area;*
- The sites are not located within a designated Natura 2000 site. The Appropriate Assessment Screening Report for Crookhaven Harbour and Toormore Bay (which is*

*available on the Department's website) found that the cultivation of shellfish and seaweeds in Crookhaven Harbour should have no significant effects on the qualifying features/interests of the adjacent Natura 2000 sites;*

- *The measures set out in the draft Marine Aquaculture Code of Practice prepared by Invasive Species Ireland shall be fully implemented as required in the licensing conditions;*
- *All issues raised during the public and statutory consultation phase;*
- *The updated and enhanced Aquaculture and Foreshore licences contain terms and conditions which reflect the environmental protection required under EU and National law.”*

### **Recommendation to Grant Foreshore Licences for two sites (refs: T05/432 B & C)**

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#### **DECISION SOUGHT**

The Minister's determination is requested please in relation to two applications for Foreshore Licences from Crookhaven Fishermen's Association Ltd., c/o Jimmy Newman, Crookhaven, Co. Cork for two sites, T05/432 B and C in Crookhaven Harbour, Co. Cork in which it is proposed to conduct aquaculture.

#### **BACKGROUND**

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

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.

#### **APPLICATIONS FOR FORESHORE LICENCES**

The applications for two Foreshore Licences have been received from the applicant referred to above (in conjunction with two applications for Aquaculture Licences) relating to the occupation of the foreshore associated with the Aquaculture Licence applications which

cover two sites numbered T05/432B (6.0647 ha) and T05/432C (14.4895 ha), totalling 20.5542 ha in Crookhaven Harbour, Co. Cork (see **Tab A**).

## **LEGISLATION**

Section 3 of the Foreshore Act, 1933 gives power to the Minister to license 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 applications were sent to the Department's technical experts and were also publicly advertised in a composite public notice covering both aquaculture and foreshore elements.

These applications were 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.

DHPLG: No observations were received from the Department of Housing, Planning and Local Government in respect of these applications from a water quality or foreshore perspective.

### **Technical Consultation**

Marine Engineering Division (MED): MED stated that the applications are for the subtidal cultivation of Scallops using cages located on the seabed. The applicant also intends to install 16 longlines at Site T05/432B and 48 longlines at Site T05/432C for cultivating aquatic plants.

MED established that the original site location maps did not accurately reflect the licensed areas. MED prepared revised site co-ordinates and maps which resulted in the total hectareage of Sites T05/432 B and C being amended slightly from 21.75 ha to 20.5542 ha. The applicant was informed and the applications were sent to the public and statutory phase of the licensing process showing the revised areas of T05/432B (6.0647 ha) and T05/432C (14.4895 ha), totalling 20.5542 ha.

MED stated that Crookhaven is a large, sheltered picturesque harbour and a popular location for sailing. MED observed that there is currently no existing aquaculture activity in the area.

The adjacent stretch of roadway is designated as a scenic route (S102) and the sites are also visible from the R591 roadway which is part of the Wild Atlantic Way. The sites are also adjacent to high value scenic landscapes as described in the Cork County Development Plan 2014.

There are fishing and marine leisure activities in the area. Sites T05/432 B and C are located at the mouth of Crookhaven Harbour. Site T05/432B is situated parallel to the entrance channel into Crookhaven Harbour. The existing entrance channel is already relatively narrow

for sailing and leisure crafts entering the harbour. Both sites are adjacent to significant marine leisure activities at Crookhaven Pier.

MED observed that there would be no visual impact from bottom culture at these sites. However, they stated that the proposed floating structures restrict safe access into Crookhaven Harbour and conflict with the significant sailing and marine leisure related activities which take place within the harbour.

MED observed that bottom culture only should be licensed at these sites and not the proposed floating seaweed longline structures.

MED also stated that the developments, as proposed, have the potential to conflict with navigational safety as Sites T05/432 B and C both extend over an existing subsea pipeline identified by the Marine Survey Office. MED concluded that a bottom culture method for cultivating scallops without the cage structures would be acceptable. They confirmed that no structures should be permitted within Sites T05/432 B and C.

Marine Survey Office (MSO): The MSO have navigational concerns in relation to these developments as Sites T05/432 B and C both extend over a subsea pipeline. MED recommended that no structures should be permitted within the two sites and the MSO noted their observations. Therefore, no navigation marks are required and the licence holder does not have any special rights relating to surface navigation in the licensed areas.

Sea Fisheries Protection Authority (SFPA): The SFPA stated that the issuing of a licence for the cultivation of scallops and seaweeds in the area identified as T05/432B would have no negative impact on local sea fishing operations. However, they observed that aquaculture activity at Site T05/432C could potentially impact on local sea fishing for shrimp as shrimp pots are routinely set in this area.

### **Public Consultation**

The applications were publicly advertised using a composite public notice covering both aquaculture and foreshore elements in 'The Southern Star' on 20<sup>th</sup> July 2019. The applications and supporting documentation were available for inspection at Bantry Garda Station for a period of 4 weeks from the date of publication of the notice in the newspaper.

There were **no** objections 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, taking account of the decisions on the related aquaculture licence applications:

**approves the granting** of Foreshore Licences (see **Tab F**) to Crookhaven Fishermen's Association Ltd., c/o Jimmy Newman, Crookhaven, Co. Cork for two sites numbered T05/432B (6.0647 ha) and T05/432C (14.4895 ha), totalling 20.5542 ha on the foreshore in Crookhaven Harbour, Co. Cork, for a period of ten (10) years, for the carrying out of aquaculture activities as defined in the Aquaculture Licences, and in accordance with the terms and conditions of the attached draft Foreshore Licences.

Submitted for approval, please.

Aquaculture and Foreshore Management Division.

## Comments

**ODonovan, Geraldine** 20/11/2019

Tab

**ODonovan, Geraldine** 21/11/2019

I recommend the granting of licences (with a variation) for two sites (T05/432 B and C) as outlined in the Aquaculture and Foreshore Licence Submissions.

**Horan, Helena** 21/11/2019

I agree with the recommendation that the Aquaculture and Foreshore licences sought for two sites be granted (with a variation) for the reasons outlined.

**Quinlan, John** 22/11/2019

Recommended for approval please.

**Beamish, Cecil** 22/11/2019

Recommended that the Minister determines the granting of a variation of the Aquaculture Licence renewals and reviews sought and associated Foreshore Licences for the reasons outlined in the submission.

**Kelly, Aiden** 22/11/2019

Approved by the SG. AK 22/11

**Lennox, Graham** 26/11/2019

Minister determines the granting of a variation of the Aquaculture Licence renewals and reviews sought and associated Foreshore Licences for the reasons outlined.