

# Submission AGR 00744-19: Recommendation to grant the renewal of an Aquaculture & Foreshore Licence (T01/050A1)

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 the Aquaculture and Foreshore Licences sought be granted with a variation reducing the site to 61.05 hectares, for the reasons outlined.

## Action required

Ministerial Determination on Aquaculture/Foreshore Licensing Application (T01/050A1)

## Executive summary

The Minister's determination is requested in relation to a renewal application for an Aquaculture Licence from Carlingford Lough Shellfish Cooperative Society Ltd, c/o PJ Donnelly, Millgrange, Greenore, Co. Louth. The renewal application is for the bottom culture of mussels on Site T01/050A1 totalling 100.335 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 the Aquaculture and Foreshore Licences sought be granted with a variation reducing the site to 61.05 hectares 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.

### DECISION SOUGHT

The Minister's determination is requested in relation to an application of an Aquaculture Licence from Carlingford Lough Shellfish Cooperative Society Ltd, c/o PJ Donnelly, Millgrange, Greenore, Co Louth. The application is for the bottom culture of mussels on Site T01/050A1 totalling 100.335 hectares (now proposed to be reduced to 61.05 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 a variation of the Aquaculture and Foreshore Licences 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 renewal 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 bottom culture of mussels on Site T01/050A1 totalling 100.335 hectare site on the foreshore in Carlingford Lough, Co. Louth. It is now proposed that the site be reduced to a 61.05 hectare site on the foreshore in Carlingford Lough, Co Louth.

## **LICENCE FEES**

There are no outstanding Section 19 A. (4) fees associated with this licence.

## **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: This is a renewal application for a site which is sub-tidal lying north and east of Carlingford village and is separated from T01/050A2 by an exclusion zone for the Carlingford sewage scheme outfall. Utilisation of this site has been nil since seed was laid down in 2008; 400 tonnes of seed was laid but got no harvest from it. The underutilisation of this site is mainly due to shortage of spat from the Irish Sea. It is understood that if sufficient spat were to materialise some year from the Irish Sea mussel seed resource that this site might be put to more use. Low utilisation of this site in period 2009-2012 is confirmed by DARD black box data on vessel activity on Carlingford Bay sites in that period. On a rare occasion there has been a local mussel spat fall within Carlingford Lough and this occurred on the Carlingford Bank. The applicant sees some potential benefit in these sites for collecting such a natural spat fall if it occurred. The combined sites area (T01/050A1 & T01/050A2) is 107.089 hectares therefore it is recommended a total of 55 hectares be renewed. The fact there is no mussel being grown currently on the site means there should be no operational impediment to a site reduction being implemented in the short term if that is required. The site is 300m from the SPA at the nearest point and 600m from the SAC. A screening for appropriate assessment may conclude that AA of mussel culture activity on this site due to the nearby Natura 2000 areas will be required. Because there are no structures involved in bottom mussel culture I do not expect mussel culture on these sites to impact on passing navigation traffic. MED had initially suggested that the applicant be invited to suggest a revised area, however the applicant was unwilling to do this. MED remains of the opinion that site 50A1 should be reduced in area if the aquaculture licence for that site is renewed and provisionally recommends a reduced area that would omit the east section close to Carlingford outfall and much of the deeper water on its north side. The suggested area for 50A1 reduced therefore would be 61.05 hectares in area.

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: No comments received.

### **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 T01/050A1 is located within the Carlingford designated Shellfish Growing Waters Area. Under Annex II of EU Regulation 854/2004 mussels in the "Carlingford Outer" area of Carlingford Lough currently have Seasonal "A" Classification from 1<sup>st</sup> September to 1<sup>st</sup> February and reverts to "B" Classification at other times. No chemicals or hazardous substances will be used during the production process. 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 not located within a Natura 2000 site but is immediately adjacent to 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.

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.** 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.**

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

Louth County Council: No comments received.

Fáilte Ireland: No comments received.

Commissioner of Irish Lights: There appears to be no objection to the renewal of this licence; the nature of bottom cultivation would generally indicate that there is no navigational hazard. It is important to ensure that no navigable inter-tidal channels are impeded by this development. If renewed it is requested these terms be put into the licence: That there are no obstructions of any kind above the seabed; there are no moorings or marker buoys to be placed on the site; and the observations of the Nautical Surveyor regarding anchoring and the rules for surface navigation should be clearly noted.

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 however DAFM would need to be satisfied that the relevant applicants are operating within the terms of their existing Aquaculture licence in terms of species and site location. 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 11<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.

Carlingford Lough Shellfish Cooperative Society Ltd did not submit a response to the comments.

## 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 mussels;*

b) other beneficial uses of the waters concerned

*Public access to recreational and other activities can be accommodated by this project;*

c) the particular statutory status of the waters

(i) Natura 2000

*The site is not within a Natura 2000 site but is immediately adjacent to the Carlingford Shore SAC (Site Code: 002306) and 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 mussels in these waters currently have a Seasonal "A" Classification from 1<sup>st</sup> September to 1<sup>st</sup> of February which reverts to a "B" Classification at other times*

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 ground.*

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:

approves the granting of an Aquaculture Licence (**TAB E**) to Carlingford Lough Shellfish Cooperative Society Ltd, c/o PJ Donnelly, Millgrange, Greenore, Co. Louth, with a variation reducing the footprint of the site from 100.335 hectares to 61.05 hectares for a period of ten (10) years for the bottom culture of mussels in accordance with the terms and conditions of the attached draft Aquaculture Licence.

## 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 –T01/050A1

*Carlingford Lough Shellfish Co-operative Society Limited has applied for authorisation to cultivate mussels using bottom culture on the sub-tidal foreshore on a 100.335 hectare site (T01/050A1) in Carlingford Lough, Co. Louth.*

*The Minister for Agriculture, Food and the Marine has determined that it is in public interest to grant a variation on the licences sought i.e. reducing the footprint of the site from 100.335 hectares to 61.05 hectares due to underutilisation of this site. 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. The following are the reasons and considerations for the Minister's determination to grant the licences sought: -*

- a. *Scientific advice is to the effect that the waters are suitable.*
- b. *Public access to recreational and other activities can be accommodated by this project;*
- c. *The proposed development should have a positive effect on the economy of the local area;*
- d. *All issues raised during Public and Statutory consultation phase;*
- e. *There are no effects anticipated on the man-made environment heritage of value in the area;*
- f. *No significant effects arise regarding wild fisheries;*
- g. *The site is not within a Natura 2000 site but is immediately adjacent to the Carlingford Shore SAC (Site Code: 002306) and Carlingford Lough SPA (Site Code: 004078. An Article 6 Assessment has been carried out in relation to aquaculture activities in the SAC and SPA. The Licensing Authority's Conclusion Statement (available on the Department's website) outlines how aquaculture activities in this SAC/SPA, including this site, are being licensed and managed so as not to significantly and adversely affect the integrity of the Carlingford Shore SAC and/or Carlingford Lough SPA.*
- h. *Scientific observations related to the Appropriate Assessment received during the licensing consultation process are addressed in the Licensing Authority's Appropriate Assessment Conclusion Statement.*
- i. *Taking account of the recommendations of the Appropriate Assessment the aquaculture activity at this site is consistent with the Conservation Objectives for the SAC/SPA.*
- j. *No significant impacts on the marine environment and the quality status of the area will not be adversely impacted.*
- k. *The updated Aquaculture and Foreshore licences contain terms and conditions which reflect the environmental protection now required under EU and National law."*

**Recommendation to grant a Foreshore Licence application (T01/050A1)**

**DECISION SOUGHT**

The Minister's determination is requested please in relation to the application for a Foreshore Licence from Carlingford Lough Shellfish Cooperative Society Ltd, c/o PJ Donnelly, Millgrange, 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 100.335 hectare site which is now proposed to be reduced to a 61.05 hectare site on the foreshore of Carlingford Lough Co Louth. (numbered T01/050A1).

**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: The Department's Water Service Advisor is of the opinion that there is likely no impingement to the foreshore from a technical perspective however DAFM would need to be satisfied that the relevant applicants are operating within the terms of their existing Aquaculture licence in terms of species and site location. 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: This is a renewal application for a site which is sub-tidal lying north and east of Carlingford village and is separated from T01/050A2 by an exclusion zone for the Carlingford sewage scheme outfall. Utilisation of this site has been nil since seed was laid down in 2008; 400 tonnes of seed was laid but got no harvest from it. The underutilisation of this site is mainly due to shortage of spat from the Irish Sea. It is understood that if sufficient spat were to materialise some year from the Irish Sea mussel seed resource that this site might be put to more use. Low utilisation of this site in period 2009-2012 is confirmed by DARD black box data on vessel activity on Carlingford Bay sites in that period. On a rare occasion there has been a local mussel spat fall within Carlingford Lough and this occurred on the Carlingford Bank. The applicant sees some potential benefit in these sites for collecting such a natural spat fall if it occurred. The combined sites area (T01/050A1 & T01/050A2) is 107.089 hectares therefore it is recommended a total of 55 hectares be renewed. The fact there is no mussel being grown currently on the site means there should be no operational impediment to a site reduction being implemented in the short term if that is required. The site is 300m from the SPA at the nearest point and 600m from the SAC. A screening for appropriate assessment may conclude that AA of mussel culture activity on this site due to the nearby Natura 2000 areas will be required. Because there are no structures involved in bottom mussel culture I do not expect mussel culture on these sites to impact on passing navigation traffic. MED had initially suggested that the applicant be invited to suggest a revised area, however the applicant was unwilling to do this. MED remains of the opinion that site 50A1 should be reduced in area if the aquaculture licence for that site is renewed and provisionally recommends a reduced area that would omit the east section close to Carlingford outfall and much of the deeper water on its north side. The suggested area for 50A1 reduced therefore would be 61.05 hectares in area.

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: 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 11<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.

### **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:

approves the granting of a Foreshore Licence (**TAB F**) with a reduced footprint of 61.05 hectares to Carlingford Lough Shellfish Cooperative Society Ltd, c/o PJ Donnelly, Millgrange, Greenore, Co Louth for a site in Carlingford Lough, Co. Louth for a period of ten (10) years for occupation of the site for the carrying out of aquaculture activities as defined in the Aquaculture Licence, and in accordance with the terms and conditions of the attached draft Foreshore Licence.

## Related submissions

There are no related submissions.

## Comments

**OShea, Nicole** - 25/11/2019 13:13

It is recommended that this renewal application be granted with a variation reducing the site size.

**OCallaghan, Grace** - 25/11/2019 16:16

I have reviewed the detailed information set out in this submission and agree with the recommendation made that the Minister approves the granting ( with variation) of the Aquaculture / Foreshore Licences for one site (T01/050A1) to Carlingford Lough Shellfish Co-operative Society Limited, c/o PJ Donnelly, reducing the site from 100.335 to 61.05 hectares for the reasons outlined in the submission above and in accordance with the terms & conditions of the attached draft licence(s). GOC

**Quinlan, John** - 02/12/2019 10:12

Recommended for approval please.

**Beamish, Cecil** - 05/12/2019 11:56

Recommended that the Minister determines the Aquaculture and Foreshore Licences sought be granted with a variation reducing the site to 61.05 hectares for the reasons outlined in the submission.

**Smith, Ann** - 05/12/2019 11:56

Approved for submission to Minister. AS 05/12/2019

**Lennox, Graham** - 06/12/2019 17:31

Minister determines the Aquaculture and Foreshore Licences sought be granted with a variation reducing the site to 61.05 hectares, for the reasons outlined.

## User details

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

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

## Action log

<b>ACTION</b>	<b>USER</b>	<b>DATE</b>	<b>DESCRIPTION</b>
Create	Kelleher, Sheila	18/11/2019 09:13	Submission AGR 00744-19 to Minister created.
Submit for review	Kelleher, Sheila	25/11/2019 10:43	Submission sent for review to OShea, Nicole.
Submit for review	OShea, Nicole	25/11/2019 13:13	Submission sent for review to OCallaghan, Grace.
Comment removed	OCallaghan, Grace	25/11/2019 16:16	Comment created on 25/11/2019 16:15 removed by its author.
Submit for review	OCallaghan, Grace	29/11/2019 12:14	Submission sent for review to Quinlan, John.
Submit for review	Quinlan, John	02/12/2019 10:12	Submission sent for review to Beamish, Cecil.
Submit for review	Beamish, Cecil	05/12/2019 11:56	Submission sent for review to Secretary General.
Submit for review	Smith, Ann	05/12/2019 11:56	Submission sent for review to Minister.
Complete	Lennox, Graham	06/12/2019 17:31	Submission completed by 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 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  
Telephone: (023) 8859500  
Fax: (023) 8821782

**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**

For Office Use

Application Ref. No. T01 150 A3+2

Date of Receipt (Dept. Stamp):



Type of Applicant (tick one)	
Sole Trader	<input type="checkbox"/>
Partnership	<input type="checkbox"/>
Company	<input type="checkbox"/>
Co-Operative	<input type="checkbox"/>
Other	Please specify- <input type="checkbox"/>

**PART 1: PRELIMINARY DETAILS**

<b>Applicant's Name(s)</b> <u>CARLINGFORD LOUGH SHELLFISH CO-OP SOCIETY LTD.</u>	
1.	
Address:	c/o PJ Donnelly Millgrange Greenore Co Louth
2.	
Address:	
3.	
Address:	
4.	
Address:	

<b>Contact in case of enquiries (if different from above)</b>	
Contact Name	BRIAN HYLAND
Organisation Name (if applicable)	EMERALD MUSSELS
Address	AS ABOVE

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

- (i) Bay: CARLINGFORD
- (ii) County: LOUTH
- (iii) OS Map No: 36
- (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.]

PLEASE SEE MAP ATTACHED

- (v) Size of Site (hectares): T1/50A1 = 100.48 HA

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

MUSSELS - MYTILUS EDULIS NATIVE

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

SUB-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.

WILD SOURCES W IRISH SEA + MORCAMBE BAY.

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) BOTTOM EXTENSIVE

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

N/A

(xi) Proposed Production Tonnage:

Year 1	1200	Year 2	1200	Year 3	1200	Year 4	1200	Year 5	1200
--------	------	--------	------	--------	------	--------	------	--------	------

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

PROVEN SITE - EXCELLENT TIDAL FLOW

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

N/A

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

BOTH - SUBJECT TO GROWING CONDITIONS + MARKET DEMAND

(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 DESIGNATED AREA

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?

YES -> 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)

≈ 400M FROM CARLINGFORD SHORE SAC

≈ 500M FROM CARLINGFORD SPA (AT CLOSEST POINT)

(xviii) Are there known sources of pollution in the vicinity e.g. sewage outfall? Yes / No  
If yes please give full details.

ADJACENT TO CARLINGFORD OUTFALL EXCLUSION ZONE

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

DREDGE HARVEST BY VESSEL, BULK BAG EXPORT

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

PURIFIED BY PROCESSOR IN THE NETHERLANDS

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

CRAB + STARFISH.

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

MAP USED FOR STARFISH

POTTING FOR CRABS

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:

EMERALD MUSSELS OPERATE SITE ON BEHALF OF  
CO-OP (ALSO MEMBER OF CO-OP) (2/3 MAJORITY SHAREHOLDER)  
COMPANY OPERATES SITES IN NI AND ROI AND  
HAS BEEN SUCCESSFULLY FARMING MUSSELS FOR  
15 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:

⇒ CURRENT + FUTURE EMPLOYMENT AT STABLE  
LEVEL

**FULLTIME JOBS**

Year 1:	3	Year 2:	3	Year 3:	3	Year 4:	3.
---------	---	---------	---	---------	---	---------	----

**PART TIME JOBS**

Year 1:		Year 2:		Year 3:		Year 4:	
---------	--	---------	--	---------	--	---------	--



**PART 3 C. CO-OPERATIVE**

Co-operative Name: CARLINGFORD LOUGH SHELLFISH CO-OP SOCIETY LTD.

Address: c/o EMERALD MUSSELS, CARRONHOLLY

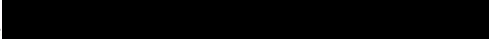
WESTPORT CO. MAYO

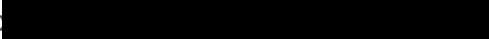
Co-operative Registered No. 4731

Is this Co-operative a limited company within the meaning of the Companies Act 1963 (as amended)? Yes  No

If Yes complete Part 3D only

VAT No. \_\_\_\_\_

Phone No. 

Mobile No. 

E-mail Address: \_\_\_\_\_

Please list below the names and Personal Public Service No's of the Board of Directors/Committee of Management of the Co-operative

Name: B. VERWIJS. Personal Public Service No. 

Name: P.I. DONNELLY Personal Public Service No. 

Name: \_\_\_\_\_ Personal Public Service No. \_\_\_\_\_

Name: \_\_\_\_\_ Personal Public Service No. \_\_\_\_\_

Please list below the names and Personal Public Service No.'s of the Members of the Co-op and the percentage shareholding held in each case

Name: B. VERWIJS Personal Public Service No. 

% Shareholding: 

Name: P.I. DONNELLY Personal Public Service No. 

% Shareholding: 

Name:  Personal Public Service No. \_\_\_\_\_

% Shareholding: 

Name: \_\_\_\_\_ Personal Public Service No. \_\_\_\_\_

% Shareholding: \_\_\_\_\_



**PART 3 D. LIMITED COMPANY**

Company Name: CARLINGFORD LOUGH SHELLFISH COOP SOCIETY LTD

Address: P. J. DONNELLY, MILLGRANGE, GREENORE  
CO. LOUTH.

Company Registered No. (CRO No.) 4731

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 Ser

Name: \_\_\_\_\_ Personal Public Ser

Name: \_\_\_\_\_ Personal Public Ser

Name: \_\_\_\_\_ Personal Public Ser

Please list below the names and Personal Public Service N  
Company and the percentage shareholding held in each ca:

Name: \_\_\_\_\_ Personal Public Ser

% Sha \_\_\_\_\_

Name: \_\_\_\_\_ Personal Public Ser

% Sha \_\_\_\_\_

Name: \_\_\_\_\_ Personal Public Ser

% Sha \_\_\_\_\_

Name: \_\_\_\_\_ Personal Public Ser

% Sha \_\_\_\_\_

Name: \_\_\_\_\_ Personal Public Service No

% Share \_\_\_\_\_

Name: \_\_\_\_\_ Personal Public Service No

% Share \_\_\_\_\_

Name: \_\_\_\_\_ Personal Public Service No

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Name: \_\_\_\_\_ Personal Public Service No

% Share \_\_\_\_\_

Name: \_\_\_\_\_ Personal Public Service No

% Share \_\_\_\_\_

Name: \_\_\_\_\_ Personal Public Service I

% Share \_\_\_\_\_

Name: \_\_\_\_\_ Personal Public Service I

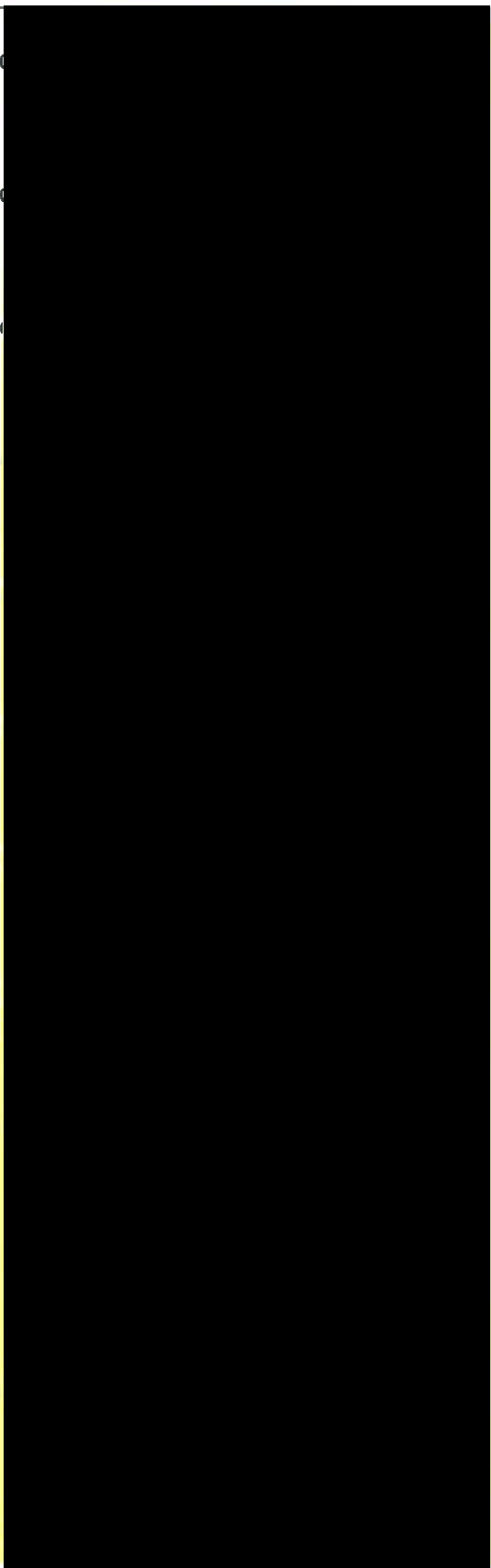
% Share \_\_\_\_\_

Name: \_\_\_\_\_ Personal Public Service I

% Share \_\_\_\_\_

Name: \_\_\_\_\_ Personal Public Service I

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

**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:

YES

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. I/We enclose an application fee\* of € 63.49. with this application.

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

J. Veis

MAJORITY SHAREHOLDER

P.T. Kennedy TREASURER.

Date: 21/May/2014

**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**

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

**Co-ordinates & Area**

**Site T01/050A1 (100.335 Ha)**

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

318824, 313936 to Irish National Grid Reference point  
320744, 312900 to Irish National Grid Reference point  
320200, 312900 to Irish National Grid Reference point  
320200, 312638 to Irish National Grid Reference point  
319816, 312808 to Irish National Grid Reference point  
318618, 313344 to Irish National Grid Reference point  
318720, 313635 to the first mentioned point.

318000

319000

320000

321000

C A R - I N G F U R D

L O U G H

314000

314000

T01/050A1

313000

313000

312000

312000

311000

311000

318000

319000










320000

321000

**Aqua Culture Sites**

<all other values>

**Site\_Status**

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

1:20,000

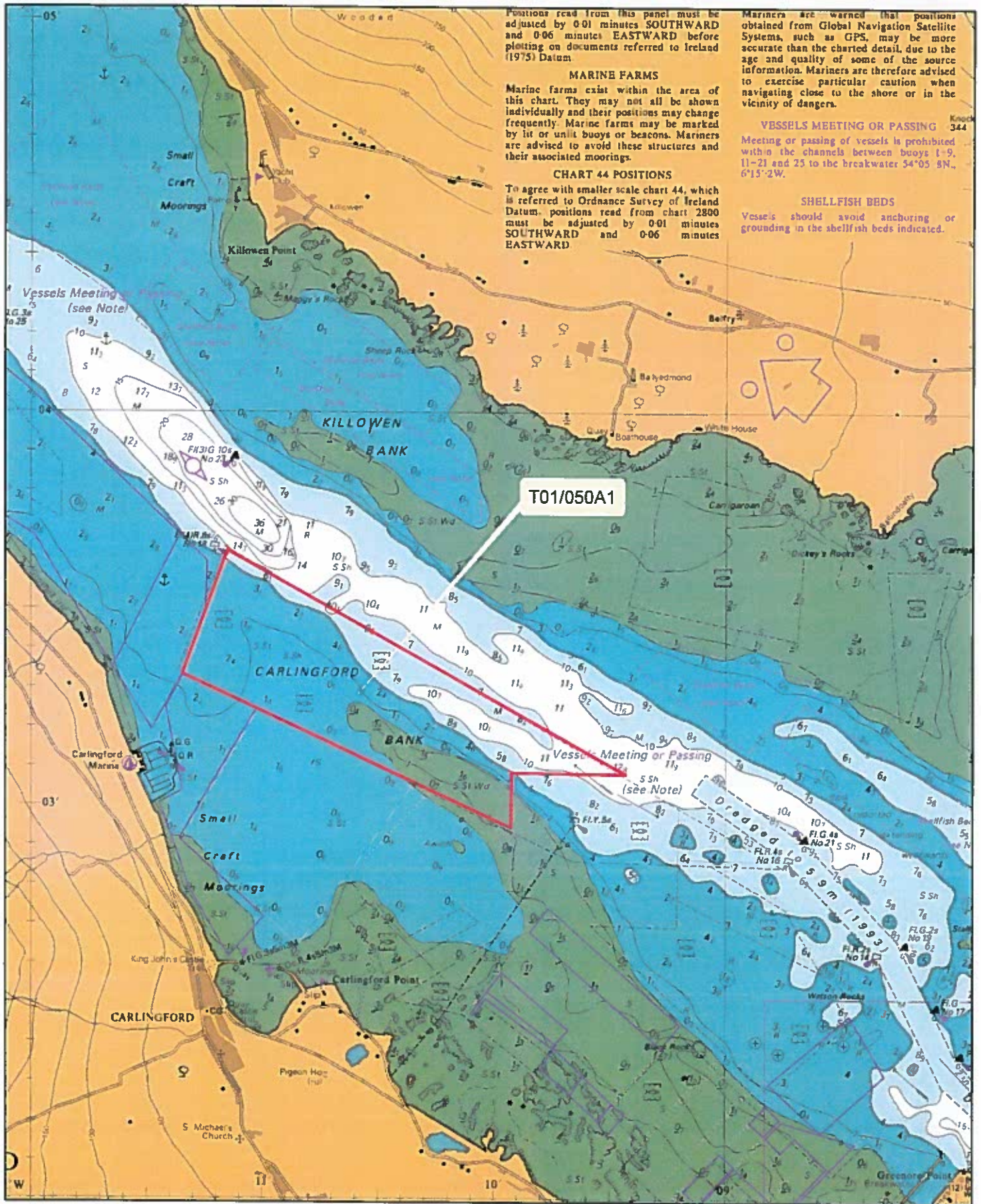
Sites highlighted in red denotes Application

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





Positions read from this panel must be adjusted by 0.01 minutes SOUTHWARD and 0.06 minutes EASTWARD before plotting on documents referred to Ireland (1975) Datum.

**MARINE FARMS**  
 Marine farms exist within the area of this chart. They may not all be shown individually and their positions may change frequently. Marine farms may be marked by lit or unlit buoys or beacons. Mariners are advised to avoid these structures and their associated moorings.

**CHART 44 POSITIONS**  
 To agree with smaller scale chart 44, which is referred to Ordnance Survey of Ireland Datum, positions read from chart 2800 must be adjusted by 0.01 minutes SOUTHWARD and 0.06 minutes EASTWARD.

Mariners are warned that positions obtained from Global Navigation Satellite Systems, such as GPS, may be more accurate than the charted detail, due to the age and quality of some of the source information. Mariners are therefore advised to exercise particular caution when navigating close to the shore or in the vicinity of dangers.

**VESSELS MEETING OR PASSING** 344  
 Meeting or passing of vessels is prohibited within the channels between buoys 1-9, 11-21 and 23 to the breakwater 54°05' 8"N, 6°15' 2"W.

**SHELLFISH BEDS**  
 Vessels should avoid anchoring or grounding in the shellfish beds indicated.

T01/050A1

- Aqua Culture Sites**  
 <all other values>
- 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







Mr. John Campbell, Divisional Engineer

BAC 29/7/14

Ms Ann McCarthy, AFMD



**Application for renewal of Aquaculture licence for two sites at Carlingford Lough by Carlingford Lough Shellfish Co-op Society Ltd.**

File ref : T01/50 Vol 4

Sites ref : T01-050A1 and T01-050A2

Memo dated 17 June 2014 from Ms McCarthy refers

This application is for renewal of the aquaculture licence for two subtidal sites lying to the north and north east of Carlingford village– see sites highlighted on map overleaf. The larger site 50A1 measures 100.656 hectares in area and the smaller site 50A2 is 6.433 hectares. The two sites are separated from each other site by an exclusion zone for the Carlingford sewage scheme outfall.

The form of aquaculture licensed at these 2 sites and now proposed for renewal is bottom culture of mussels.

The sites are being operated by Emerald Mussels Ltd. Emerald Mussels Ltd. (office base in Westport and with majority Dutch shareholding) operate 5 licensed mussel sites on the Republic of Ireland side of Carlingford Lough ( with a cumulative licensed area of 220 hectares). They also operate a number of bottom mussel sites on the Northern Ireland side of Carlingford Lough and at Belfast Lough.

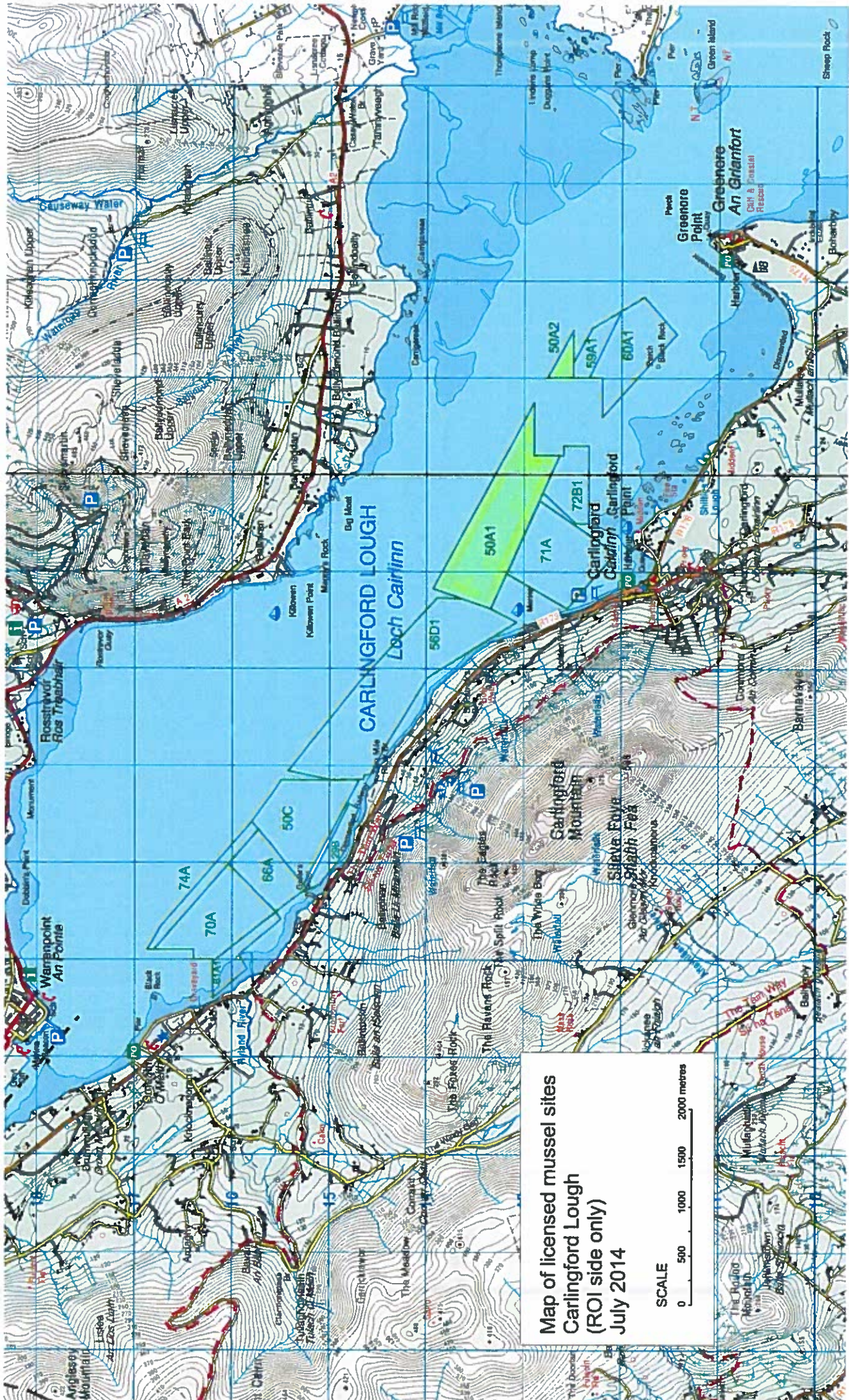
Emerald Mussels Ltd. operate one of their three mussel dredgers in Carlingford Lough – she is the Emerald Gratia WT231A (length 49m , built 2006).

My understanding is that 13/15<sup>th</sup> share of the Carlingford Lough Shellfish Growers Co-op site area is now held by Emerald Mussels Ltd. /Krijn Verwijs Yerseke BV.

The production of 1500 tonnes per annum referred to in Part 4A of the application form has not actually been achieved from these 2 sites by Emerald Fisheries Ltd. While they took control of site operations around 2007/8, they placed seed there on only one year- 2008 . At that time they laid 400 tonnes of seed on the site but got no harvest from it.

Utilisation of sites 50A1 and 50A2 has been nil since that time – mainly due to shortage of spat from Irish Sea and lower priority they attach to the sites. I understand that if sufficient spat were to materialise some year from the Irish Sea mussel seed resource that these sites on the Carlingford Bank part of the Lough might be put to use. Note that Emerald Fisheries Ltd. are much more active on sites 50C, 74A and 66A further west in the Lough.






Map of licensed mussel sites  
 Carlingford Lough  
 (ROI side only)  
 July 2014

SCALE  
 0 500 1000 1500 2000 metres



Low utilisation of sites 50A1 and 50A2 in period 2009 -12 is confirmed by DARD black box data on vessel activity on Carlingford Bay sites in that period.

I understand that on a rare occasion (last time in 2007) there has been a local mussel spat fall within Carlingford Lough and that this occurred on the Carlingford Bank. The applicant sees some potential benefit in these sites for collecting such a natural spat fall if it occurred.

 Because of low utilisation of these sites I recommend that consideration be given by AFMD to not renewing the licence in full. I recommend that only about one half of the combined site areas (50A1 and 50A2) be relicensed. The combined site areas amount to 107.089 hectares. Therefore I recommend a total of 55 hectares only be renewed. I recommend that licence for site 50A2 not be renewed at all given its small size and less than optimal position - proximity to dredged channel, to outfall and separation from the other site.

If the above advice on an area reduction approach in this case is accepted by AFMD I suggest that applicant be written to at a later stage in the renewal application assessment asking them to propose for re-licensing a reduced area of 55 hectare ( in a single discrete area) from within former site 50A1.

The fact that there is no mussel being grown currently on the site means that there should be no operational impediment to a site reduction being implemented in the short term if that is required by the licensing authority.

Note in this regard that MED is recommending renewal (in full) of site areas elsewhere in the Lough operated by Emerald Fisheries where those sites are in active use ( e.g. site 50C – see MED report dated 25/7/14 on that renewal application).

#### Proximity to Natura 2000 designated sites

Sites 50A1 and 50A2 are approximately 300m from the SPA at their nearest points and 600m from the SAC at nearest points. It is possible that screening for appropriate assessment may conclude that appropriate assessment of mussel culture activity on sites 50A1 and/or 50A2 due to the nearby Natura 2000 areas will be required.

#### Navigation

Site 50A2 is to the south of the navigation channel (dredged) which is marked for navigation. Because there are no surface structures involved in bottom mussel culture I do not expect mussel culture on these sites to impact on passing navigation traffic.

#### Recommendation

Subject to outcome of appropriate assessment screening and of wider consultation process I recommend that a 55 hectare portion (only) of site 50A1 be licensed – the configuration of that reduced area to be agreed with the applicant -and that site 50A2 not be renewed.



Paul O'Sullivan  
28/7/14

## Kelleher, Sheila

---

**From:** OSullivan, Paul  
**Sent:** 20 March 2019 12:02  
**To:** Kelleher, Sheila  
**Cc:** Campbell, John  
**Subject:** RE: Site refs T01/050A1, T01/050A2 & T01/050C  
**Attachments:** possible reduction site 50A1.pdf

Sheila

I have looked at response letter dated 18/2/19 and spoken by phone with Mr Hyland today. He spoke of the seed shortage over the past number of years and the possibility of sourcing rope grown mussel seed in the future ( they have used rope grown seed from Mulroy in Belfast Lough).

I asked Mr Hyland to forward information on annual quantities of seed placed on site 50A1 in period 2014-18 but the amounts are likely to be small.

I expect rope grown quantity that might be available in short term for relaying on bottom culture sites would of necessity be limited in any case due to higher cost and small number of producers.

It is clear that site 50A1/A2 has been little used over the duration of the last licence by Co-op or by Emerald Mussels directly in recent years- and that is down principally to a shortage of seed for placing on the site. If/when seed does become available site it is clear that 50A1 is a lower priority site for Emerald Mussels Ltd. than other sites available to them. Likely returns from sites elsewhere including those available on Warrenpoint side of Carlingford are usually higher. For relaying Emerald Mussels Ltd. have Belfast Lough sites as well as sites closer to west side of Carlingford Lough ( and on Northern Ireland side of Carlingford Lough. As a result site 50A1 is less likely to receive seed than other sites.

I remain of the opinion that site 50A1 should be reduced in area if the aquaculture licence for that site is renewed and site 50A2 not be renewed.

The applicant being unwilling to suggest a reduced area I will provisionally recommend a reduced area for site 50A1 ; it would omit the east section close to Carlingford outfall and much of the deeper water on its north side. My suggested area for 50A1 reduced therefore would be something like that shown in broken magenta line on map attached. It is 61.05 hectares in area and defined by following coordinates :

318740 313691  
320201 313038  
320197 312638  
318618 313344

If significant other information come to light on site usage I can review this further. An appeal option is always open to the licensee if dissatisfied with a licensing decision

Regards  
Paul O'Sullivan

---

**From:** Kelleher, Sheila  
**Sent:** 26 February 2019 10:34  
**To:** OSullivan, Paul  
**Subject:** FW: Site refs T01/050A1, T01/050A2 & T01/050C

Hi Paul

Please find attached response from Brian Hyland with regard to the request

for a reduced site at T01/50A1 in Carlingford Lough for your consideration.

Please revert with any comments or queries.

Kind regards  
Sheila

---

**From:** Bryan Hyland [[mailto:bryan\\_hyland@hotmail.com](mailto:bryan_hyland@hotmail.com)]  
**Sent:** 18 February 2019 13:00  
**To:** Kelleher, Sheila  
**Subject:** Site refs T01/050A1, T01/050A2 & T01/050C

Dear Sheila,

Please see attached my response to your letter dated 14/02/2019.

I'm going to register post the original for your records. Looking forward to your response.

Kindest regards,

Bryan.

Bryan Hyland.  
Emerald Mussels Ltd.  
Carrowholly,  
Westport,  
Co. Mayo.  
086 1740860.

L O U G H

### Map of aquaculture sites

- Licensed site ( bottom mussels)
- - - Application site ( bottom mussels)
- - - Possible reduced site 50A1

SCALE

0

200

400 m

13A

105A

087A

050A1

REDUCED  
050A1

071A

072B1

050A2

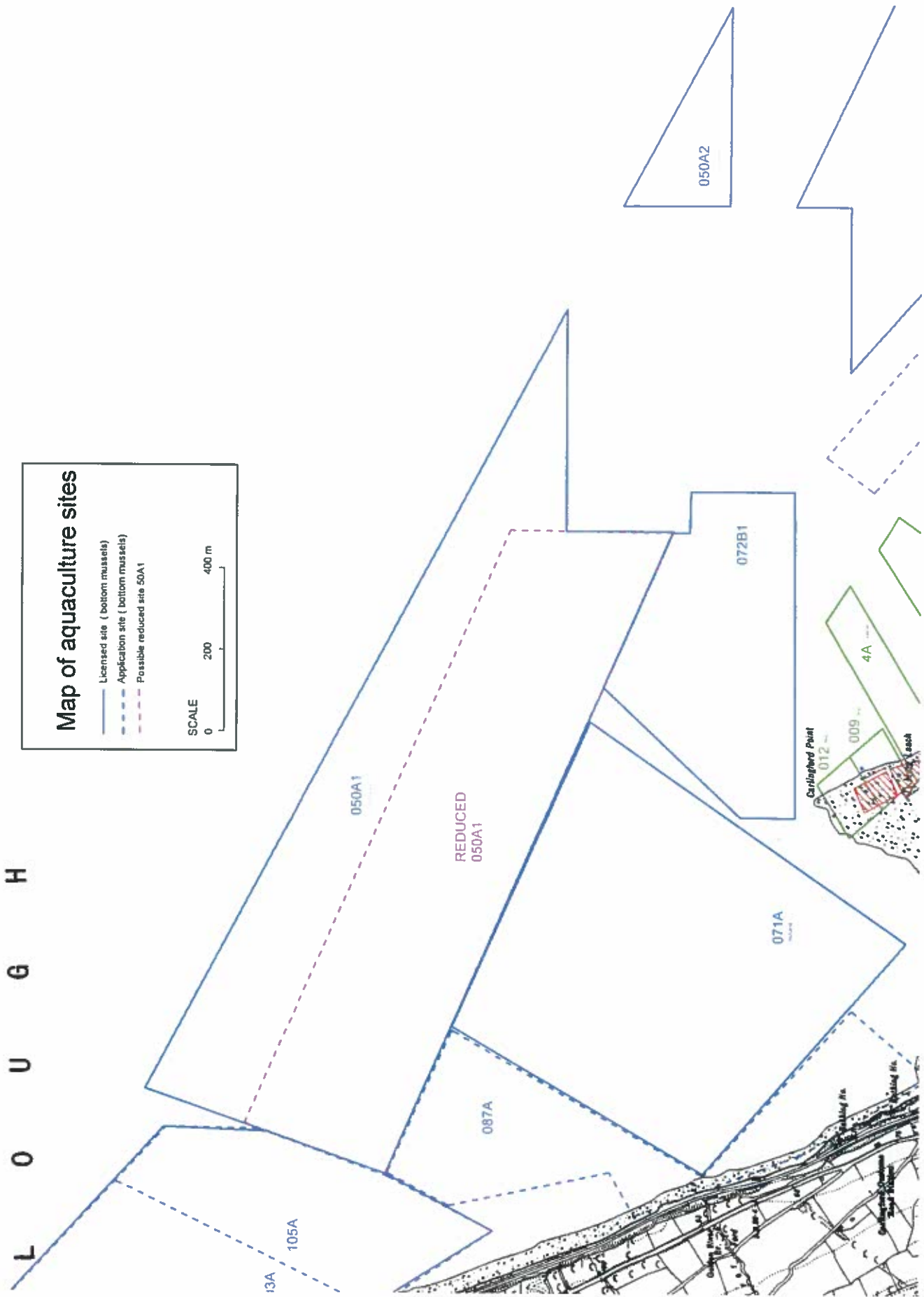
Carlingford Point

012

009

4A

Leach



## Kelleher, Sheila

---

**From:** OSullivan, Paul  
**Sent:** 22 March 2019 10:01  
**To:** Kelleher, Sheila  
**Subject:** RE: Access route maps

Sheila  
Access map with legend Ok as you say  
Regards  
Paul O'Sullivan

---

**From:** Kelleher, Sheila  
**Sent:** 21 March 2019 13:17  
**To:** OSullivan, Paul  
**Subject:** RE: Access route maps

Hi Paul

I checked them and there is a legend indicating that information on the left side of the map. Will this suffice?

Have been in touch with both [REDACTED] clarify their dividing line and that the two sites cannot exceed the [REDACTED]

Will revert when they forward the applications in.

Many thanks  
Sheila

---

**From:** OSullivan, Paul  
**Sent:** 21 March 2019 11:00  
**To:** Kelleher, Sheila  
**Subject:** RE: Access route maps

Hi Sheila

In all 7 cases the red line should be labelled as "Access route" on the map for ease of understanding – either on the line itself or in map key.

I made this comment yesterday on the access maps [REDACTED] that we received earlier from [REDACTED]

[REDACTED] (site boundary) may yet need adjusting in that case

Regards  
Paul O'Sullivan

---

**From:** Kelleher, Sheila  
**Sent:** 21 March 2019 10:23  
**To:** OSullivan, Paul  
**Subject:** FW: Access route maps

Hi Paul

Joanne Gaffney forwarded maps for various sites in Carlingford Lough

For your comments

kind regards  
Sheila

---

**From:** Gaffney, Joanne [<mailto:Joanne.Gaffney@bim.ie>]  
**Sent:** 21 March 2019 10:21  
**To:** Kelleher, Sheila  
**Cc:** Bryan Hyland; 'cloughmoreshellfishltd@gmail.com'; [REDACTED]  
**Subject:** FW: Access route maps

**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.**

Sheila

Please find attached amended maps as requested

Regards

Joanne

---

**From:** Chopin, Nicolas  
**Sent:** Wednesday 20 March 2019 17:39  
**To:** Gaffney, Joanne <[Joanne.Gaffney@bim.ie](mailto:Joanne.Gaffney@bim.ie)>  
**Subject:** Access route maps

Joanne,

See amended access route maps for the following licences : T01/050A1 , T01/050A2, T01/050C [REDACTED]  
[REDACTED]

All the best

**Nicolas Chopin**  
Inshore Survey Officer  
**BIM**

T +353 91 539 362  
M +353 87 61 27 641  
E: [nicolas.chopin@bim.ie](mailto:nicolas.chopin@bim.ie)

---

Bord Iascaigh Mhara,  
Crofton Road, Dún Laoghaire,  
Co. Dublin, A96 E5A0

---

Ireland's Seafood Development Agency  
[bim.ie](http://bim.ie)





## Kelleher, Sheila

---

**From:** KILBANE Lawrence [LawrenceKILBANE@dtas.gov.ie]  
**Sent:** 10 October 2019 09:41  
**To:** O'Callaghan, Grace; O'Shea, Nicole; Kelleher, Sheila  
**Cc:** O'CALLAGHAN Tom  
**Subject:** Aquaculture License applications

**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 T01/050A1, 050A2 Carlingford Lough Shellfish CO-OP

Good morning all,

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

- 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 Líosain, 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.

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

*Your Reference:* T01/050A1

*Our Reference:* LA0165.0110

*Date:* 30/05/2019

LL: LA0165.0110

**Applicant:** Carlingford Lough Shellfish Cooperative Society Ltd

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

Dear Ms. Kelleher

Thank you for your letter advising us of the application for renewal of the above licence. Based on the information supplied, there appears to be no objection to the renewal of this licence. The nature of bottom cultivation would generally indicate that there is no navigational hazard, it is important to ensure that no navigable inter-tidal channels are impeded by the development.

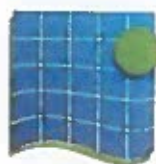
If a licence is renewed we would request that you include the following terms in the licence.

- That there are no obstructions of any kind above the seabed.
- That there are no moorings or marker buoys to be placed on the site.
- The observations made by the Nautical Surveyor regarding anchoring and the rules for surface navigation should be clearly noted.

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>	Carlingford Lough Shellfish Co-operative Society
<b>Application type</b>	Renewal
<b>Site Reference No</b>	T01/050A1
<b>Species</b>	Mussels- bottom culture
<b>Site Status</b>	Not within a Natura 2000 site Partly located within the Carlingford designated Shellfish Growing Waters Area.

Dear Sheila

This is an application for the renewal of an aquaculture licence for the cultivation of mussels (*Mytilus edulis*) on the seabed at Site T01/050A1 on the foreshore at Carlingford Lough, Co. Louth. The area of foreshore at Site T01/050A1 is 100.335Ha.

Site T01/050A1 is located within the Carlingford designated Shellfish Growing Waters Area.

Under Annex II of EU Regulation 854/2004 mussels in the "Carlingford Outer" area of Carlingford Lough currently have Seasonal "A" Classification from 1<sup>st</sup> September to 1<sup>st</sup> February and reverts to a "B" Classification at other times.

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

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 T01/050A1 is not located within a Natura 2000 site but is immediately adjacent to 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>1,2</sup> and the Department's draft Natura conclusion statement<sup>3</sup> in regard to the impacts on the Conservation Objectives within the Carlingford Lough SPA and the Carlingford Shore SAC.

1

<https://www.agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/appropriateassessments/louth/CarlingfordShoreSpecialAreaofConservationSAC21052019.pdf>

2

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

3

<https://www.agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/appropriateassessmentconclusionstatement/DraftConclusionStatementCarlingfordLough210519.pdf>

In making the final determination with respect to this application it is recommended that DAFM take full account of the conclusions and recommendations of the Appropriate Assessment report and the proposed mitigation measures set out in the Department's Draft Natura Conclusion Statement.

In order to be able to assess and manage the potential risk of the introduction of invasive non-native species the MI recommends that the initial source of seed and other sources which may be used at any point in the future should be approved by the Minister. This approval should be a specific condition of any licence that may issue. It should be noted that the control of alien species is a separate issue to the control of diseases in the context of the current Fish Health legislation.

Notwithstanding the recommendation outlined above, and in the event that an Aquaculture Licence is granted, the movement of stock in and out of the site should follow best practice guidelines as they relate to the risk of introduction of invasive non-native species (e.g. [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.

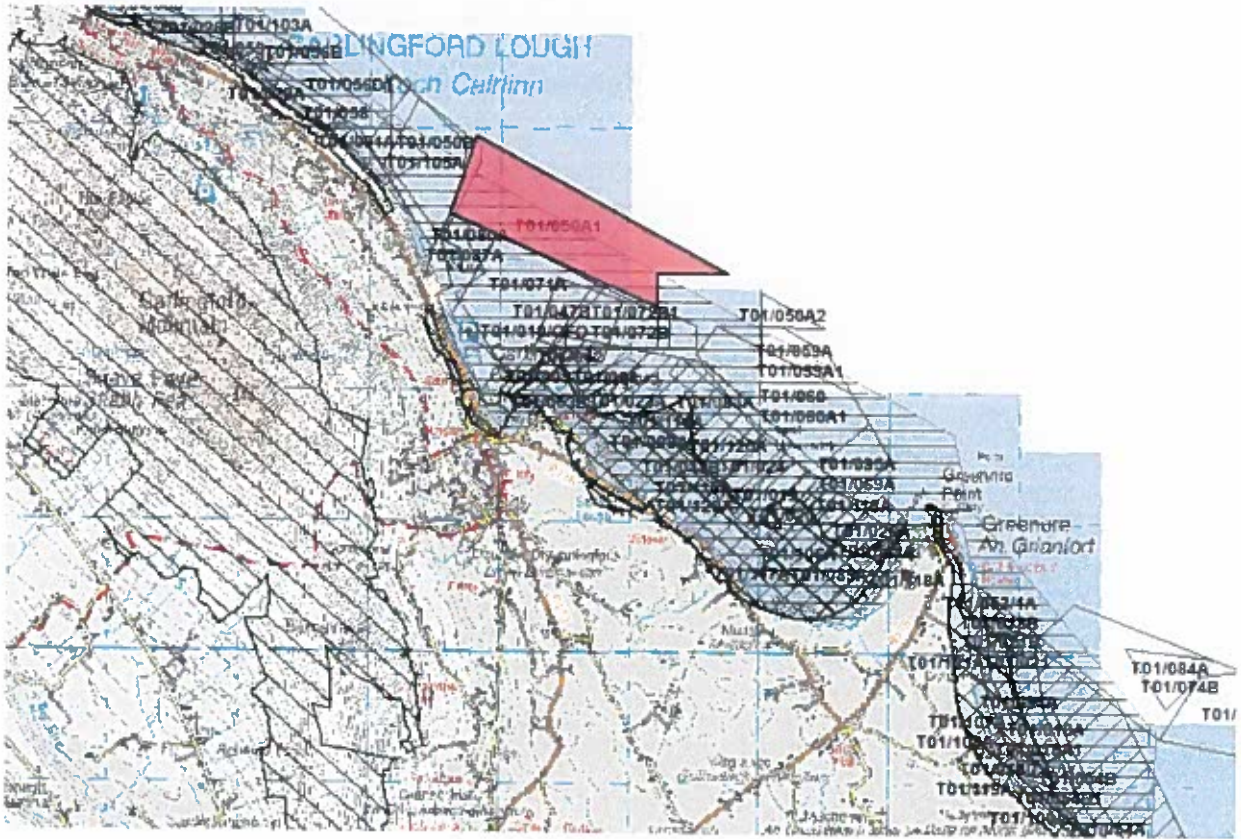
In the event that invasive non-native species are introduced into a site as a result of aquaculture activity the impacts may be bay-wide and thus affect other aquaculture operators in the bay. In this regard, therefore, the Marine Institute considers that the CLAMS process may be a useful and appropriate 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.



Shellfish Waters Directive Area  


Aquaculture Site  


Special Area of Conservation  


Special Protection Areas  


## Kelleher, Sheila

---

**From:** Liz M OBrien [LizM.OBrien@housing.gov.ie]  
**Sent:** 18 June 2019 11:40  
**To:** Kelleher, Sheila  
**Subject:** Aquaculture licence applications and renewal in Carlingford Lough 25 Sites

**CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.**

Hi Sheila,

Re

[REDACTED],050A1,050A2,050C [REDACTED]

**Aquaculture Licence and accompanying foreshore licence applications (renewal and new) for various sites within Carlingford Lough Co Louth.**

**-DAFM'S communications to Foreshore Section dated 28/5/2019 refers-**

The Department's Water Service Adviser is of the opinion that there is likely to be no impingement to the foreshore from a technical perspective. He has no objection on technical grounds to the new Applications. In relation to the renewal applications DAFM would need to be satisfied that the relevant applicants are operating within the terms of their existing Aquaculture Licence in terms of species and site location.

This is however without prejudice to any views that the NPWS (within Dept. of Culture, Heritage & the Gaeltacht) may have from a nature conservation/ecological perspective.

Regards

Liz O'Brien,  
Marine Environment and Foreshore

—  
**An Roinn Tithíochta, Pleanála agus Rialtais Áitiúil**  
Department of Housing, Planning and Local Government

—  
**Bóthair an Bhaile Nua, Loch Garman, Y35 AP90**  
Newtown Road, Wexford, Y35 AP90

—  
T +353 (0)53 911 7465  
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[www.housing.gov.ie](http://www.housing.gov.ie)



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Is faoi rún agus chun úsáide an té nó an aonán atá luaite leis, a sheoltar an ríomhphost seo agus aon comhad atá nasctha leis. Má bhfuair tú an ríomhphost seo trí earráid, déan teagmháil le bhainisteoir an chórais.



**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,*

---

**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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Department of Agriculture, Food and the Marine

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## An Roinn Talmhaíochta, Bia agus Mara

Tá an t-eolais san ríomhphost seo, agus in aon 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**

---

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.

---

<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 18A,21 and 54 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,*

---

**An Roinn Talmhaíochta, Bia agus Mara**

*Department of Agriculture, Food and the Marine*

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National Seafood Centre, Clonakilty, Co Cork P85 TX47

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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**



**T01/050A1**

**AQUACULTURE LICENCE**

**AQUACULTURE MARINE SHELLFISH**  
**SEA-BED CULTURE/BOTTOM CULTURE**

**Carlingford Lough Shellfish Co-operative Society Limited**

**c/o PJ Donnelly**

**Millgrange**

**Greenore**

**Co. Louth**



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**AQUACULTURE LICENCE NO. XXXX**

**GRANTED UNDER THE FISHERIES (AMENDMENT) ACT, 1997 (NO. 23 of 1997)**

The Minister for Agriculture, Food and the Marine (hereinafter referred to as the “Minister”), in exercise of the powers conferred on him by the Fisheries (Amendment) Act 1997 (No. 23 of 1997), (hereinafter referred to as the “Act”) grants an Aquaculture Licence to:

**Carlingford Lough Shellfish Co-operative Society Limited**

**c/o PJ Donnelly**

**Millgrange**

**Greenore**

**Co. Louth**

(hereinafter referred to as the “Licensee”) for the cultivation of mussels on a site in Carlingford Lough, Co. Louth as specified in Schedule 1 attached (numbered T01/050A1) and indicated by a red line on the attached map, as approved of by the Minister, subject to the Act and Regulations made under the Act and to the terms and conditions set out in the attached pages.

This Aquaculture Licence shall remain in force for a maximum period of ten (10) years commencing on **XX XXXXXXXXXXXX 20XX**, provided for so long as the Foreshore Licence granted on **XX XXXXXXXXXXXX 20XX**, under Section 3 (1) of the Foreshore Act 1933 (No.12 of 1933) in respect of the same site for the purpose referred to is in force.

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A person authorised under Section 15(1)  
of the Ministers and Secretaries Act 1924 to  
authenticate the Seal of the Minister for  
Agriculture, Food and the Marine.

## TERMS AND CONDITIONS APPLYING TO THIS AQUACULTURE LICENCE

### 1. Licensed Area

- 1.1. The area specified in *Schedule 1* attached (61.05 hectares) (labelled T01/050A1) and outlined in red on the map(s) in *Schedule 1*.
- 1.2. The co-ordinates for the site are based on the Irish National Grid Co-ordinate System.

### 2. Species, Cultivation and Method Licensed

- 2.1. Species to be farmed: Mussels (*Mytilus Edulis*)
- 2.2. Method: Bottom Culture subject to the stocking and/or deployment limits as may be specified in *Schedule 4* attached.
- 2.3. The introduction of seed to the site shall comply with the legislation relating to fish health.

### 3. Infrastructure and Site Management

#### Indemnity

- 3.1. The Licensee shall indemnify and keep indemnified the State, the Minister, his officers, servants or agents against all actions, loss, damage, costs, expenses and any demands or claims howsoever arising in connection with the construction, maintenance or use of any structures, apparatus, equipment, vessel or any other thing used in connection with the licensed operation in the licensed area or in the exercise of the rights granted under the licence and the Licensee shall take such steps as the Minister may specify in order to ensure compliance with this condition.
- 3.2. The duty of maintenance and responsibility for the upkeep and safety of the site rests with the Licensee.

#### Design, Arrangement and Maintenance of Structures

- 3.3. The Licensee shall ensure that any equipment is placed within the licensed area only. Storage or placement of equipment or stock on the foreshore or seashore outside the licensed area is not permitted under any circumstances.
- 3.4. The Licensee shall obtain the prior approval of the Minister to any proposed material change to the plans/drawings or equipment as approved being used during the licensing period as may be specified in *Schedule 2* attached.
- 3.5. The Licensee shall at all times for the duration of the licence keep all equipment used for the purposes of the licensed operations in a good and proper state of repair and condition to the satisfaction of the Minister or other competent State authority.
- 3.6. The Licensee shall ensure that the ends of each fence in the licensed area legibly bear the Aquaculture Licence Number in an indelible weatherproof format.

### Operational Conduct

- 3.7. The Licensee shall conduct its operations in a safe manner and with regard for other persons in the area and the environment and shall ensure that the operations are not injurious to adjacent lands or the public interest (including the environment) and do not interfere with navigation or other lawful activity in the vicinity of the licensed area, and shall comply with any lawful directions issued by the Minister and any other competent State authority in that regard.
- 3.8. The Licensee shall ensure that any aquaculture or other activity conducted under this licence does not adversely affect the integrity of the Natura 2000 network (if applicable) through the deterioration of natural habitats and the habitats of species and/or through disturbance of the species for which the area have been designated in so far as such a disturbance may be significant in relation to the stated conservation objectives of the site concerned.
- 3.9. If the shellfish are to be harvested using dredges, the Licensee shall ensure that only mussel dredges are used for harvesting the shellfish.
- 3.10. The Licensee shall ensure that all vessels, components thereof and all equipment used in connection with the licensed area are kept properly maintained.
- 3.11. The Licensee shall as soon as possible after the commencement of this licence advise the Department of the quantity of seed placed in the licensed area, the approximate date(s) of the placement and the source(s) of the seed placed and likewise thereafter as and when further seed is so placed.
- 3.12. The Licensee shall advise the Department on the 31<sup>st</sup> day of January 20XX and on each succeeding 31<sup>st</sup> day of January for each year during which this licence continues in force of the quantity of stock harvested in that year and the approximate date(s) of harvesting.

### Waste Management

- 3.13. The Licensee shall ensure that the licensed and adjoining area shall be kept clear of all redundant structures (including apparatus and equipment), waste products and operational litter or debris and shall make provision for the prompt removal and proper disposal of such material. If the Licensee refuses or fails to do so, the Minister may cause the said structures, apparatus, equipment or other thing to be removed and the licensed area restored and shall be entitled to recover from the Licensee as a simple contract debt in any court of competent jurisdiction all costs and expenses incurred by him in connection with the removal and restoration.

### Inspection

- 3.14. The licensed area and any equipment, structure, thing, or premises wherever situated used in connection with operations carried out in the licensed area shall be open for inspection at any time by an authorised person (within the meaning of Section 292 of the Fisheries (Consolidation) Act, 1959 (No. 14 1959) (as amended by Fisheries Act 1980) (No.1 of 1980), a Sea Fisheries Protection Officer (within the meaning of Sea Fisheries and Maritime Jurisdiction Act 2006) (No. 8 of 2006) or any other person appointed in that regard by the Minister or other competent State authority.

- 3.15. The Licensee shall give all reasonable assistance to an authorised officer or Sea Fisheries Protection Officer or any person duly appointed by any competent State authority to enable the person or officer enter, inspect, examine, measure and test the licensed area and any equipment, structure, thing or premises used in connection with the operations carried out in the licensed area and to take whatever samples may be deemed appropriate by that person or officer.
- 3.16. The Licensee shall keep and maintain in the State for inspection on demand by the Minister or a competent State authority, at all times, records of all operations including compliance monitoring and any required follow up action. These records shall be produced by the Licensee on demand by the Minister or other competent State authority and in any event not later than 24 hours from the making of that demand.
- 3.17. The Licensee shall furnish to the Minister or other competent State authority in the form and at the intervals determined by the Minister or other competent State authority, such information relating to the licensed area as may be required to determine compliance by the Licensee with the terms of this licence and applicable legislation.

4. **Navigation and Safety**

- 4.1. The Licensee shall ensure that no hazard is caused to the safety of navigation across or near the licensed area in the use of any vessel or sea borne craft. The navigation and safety conditions are specified in *Schedule 3*.
- 4.2. 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.
- 4.3. Prior to commencement of operation the Licensee shall inform the UK Hydrographic Office at Taunton, of the location and nature of the site in order that charts and nautical publications can be updated. Tel: 00 44 1823337900 Fax: 00 44 1823 284077 Email [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk) and the Licensee shall submit proof to the Department within 14 days of the date of this licence that the UK Hydrographic Office has been so informed.

5. **Monitoring**

- 5.1. The Licensee shall undertake and/or partake in annual and other monitoring, in particular environmental monitoring, as directed by the Minister or other competent State authority.

6. **Fish Health / Mortality Management / Movement of Fish**

**Fish Health Regulations**

- 6.1. Before the site is stocked the Licensee shall ensure that a Fish Health Authorisation under statutory provisions giving effect to Council Directive No. 2006/88/EC, as amended, or any other legislative act that replaces that Directive on animal health

requirements for aquaculture animals and their products and on the prevention and control of certain diseases in aquatic animals, is in place.

#### Disposal of Mortalities

6.2. The Licensee shall dispose of dead fish in accordance with the applicable statutory provisions and requirements.

#### Movement of Fish

6.3. The Licensee shall comply with any regulation in force governing the movement of fish.

### **7. Duration, Cessation, Review, Revocation, Amendment, Assignment**

#### Duration, Cessation

7.1. This Licence shall remain in force until **XX XXXXXXXXX, 20XX** and as long as the accompanying Foreshore Licence remains in force.

#### Review

7.2. The Licensee may apply for a review of the licence at any time after the expiration of three years since the granting of the licence or its last renewal in accordance with section 70 of the Act.

#### Revocation, Amendment

7.3. Subject to the Act, the Minister may revoke or amend the licence if:–

- a) he considers that it is in the public interest to do so,
- b) he is satisfied that there has been a breach of any condition specified in the licence e.g., operating outside the licensed area,
- c) the licensed area to which the licence relates is not being properly maintained,
- d) water quality results or general performance in the licensed area do not meet the standards set by the Minister or the competent State authority.

#### Assignment

7.4. This Licence shall not be assigned without the prior written consent of the Minister and may not be assigned during the period of three years, dating from the commencement or renewal of this licence, unless the Minister determines that it may be assigned under condition 7(5) or the provisions of condition set out in condition 7(6) applies.

7.5. A Licensee, who considers that there are exceptional reasons for the assignment of the Licence during the first three years, may apply to the Minister, giving those reasons, for a determination that the Licence may be assigned. The Minister may, at his discretion, having considered the reasons given by the Licensee, determine whether or not the Licence may be assigned. The determination of the Minister in this regard is final.

7.6. Where the Licensee is a company (within the meaning of the Companies Acts) and goes into Liquidation (within the meaning of the Companies Acts) in the first three years dating from the commencement of the licence, the Liquidator shall, with the



consent of the Minister, be entitled to assign the licence to enable him to discharge any debts of the liquidated company.

7.7. This licence is issued subject to any order that the High Court may make under section 218 of the Companies Act 1963 or otherwise with regard to the assignment of this licence.

8. **Fees**

8.1. The Licensee shall pay to the Minister an annual aquaculture licence fee in accordance with the Aquaculture (Licence Application and Licence Fees) Regulations 1998 (S.I. No. 270/1998) as amended by the Aquaculture (Licence Fees) Regulations 2000 (S.I. No. 282 of 2000) or an amount payable under Regulations made under section 64 of the Act.

8.2. The Minister may revoke the licence where the Licensee fails to pay the aquaculture licence fees on demand.

9. **General Terms and Conditions**

9.1. The Licensee shall at all times comply with all laws and protocols applicable to aquaculture operations.

9.2. Any reference to a statute or to an act of any institution of the European Union (whether specifically named or not) includes any amendments or re-enactments in force and all statutory instruments, orders, notices, regulations, directions, bye-laws, certificates, permissions and plans made, issued or given effect under such legislation shall remain valid.

9.3. If any condition or part of a condition in this licence is held to be illegal or unenforceable in whole or in part, such condition shall be deemed not to form part of this licence but the enforceability of the remainder of this licence is not affected.

9.4. The Licensee shall at all times hold all necessary licences, consents, permissions, permits or authorisations associated with any activities of the Licensee in connection with the licensed area.

**Notification**

9.5. Without prejudice to any other remedy under the licence or in law, if the Minister is of the view that the Licensee is in breach of any obligation under this licence, the Minister may, by notice in writing, require that the Licensee rectifies such breach, within such time as is specified by the Minister. The Licensee shall comply with any direction of the Minister within the time specified in the notice.

9.6. Any notice to be given by the Minister may be transmitted through the Post Office addressed to the Licensee at the last known address of the Licensee.

9.7. The Licensee shall notify the Department within 7 days of any change in the Licensee's address, telephone, e-mail or facsimile number.

#### Tax Clearance Certificate

9.8. During the term of this licence the Licensee shall provide to the Minister on demand a current tax clearance certificate.

#### Companies and Co-operatives

9.9. In the event of the licence being granted to a company (within the meaning of the Companies Acts), control of the licensee company shall not change in any respect from the control of the company as existed on the date that the licence was granted so long as this licence shall remain in force save with the prior written permission of the Minister.

9.10. In the event of a licence being granted to a company that has been incorporated outside this State, the licensee company shall register with the Companies Registration Office within one month of the establishment of a place of business in the State or alternatively, within one month of the establishment of a branch of the said company in the State and the licensee company shall submit proof to the Department within 14 days of the end of that month that it has been so registered.

9.11. Where the Licensee is a Company within the meaning of the Companies Acts, the licensee company shall ensure that it does not become dissolved within the meaning of the Companies Acts for so long as this licence shall remain in force.

9.12. In the event of the licence being granted to a society (within the meaning of section 2 of the Industrial and Provident Societies (Amendment) Act 1978 (No.23 of 1978) the following conditions shall apply:-

9.12.1 The rules relating to membership of the society shall enable any resident of the State to become a member of it where the resident fulfils all the conditions laid down by the society for membership of it and the rules shall not lay down different conditions for different classes of people;

9.12.2 The rules relating to the society as submitted to the Minister before the grant of this licence shall not be amended subsequently other than with the written permission of the Minister; and

9.12.3 The Minister may, if he considers it necessary in the interests of good management of the licensed area, direct that an amendment may be made to the rules of the society and the Licensee shall amend the rules in accordance with that direction.

#### Clearance of Site

9.13. The Licensee shall, at the Licensee's own expense, if so required by written notice from the Minister and within three weeks after receipt of such notice or on cessation of the licence for any other cause, remove the structures, apparatus, equipment or any other thing to the satisfaction of the Minister. If the Licensee refuses or fails to do so, the Minister may cause the said structures, apparatus, equipment or other thing to be removed and the licensed area restored and shall be entitled to recover from the Licensee as a simple contract debt in any court of competent jurisdiction all costs and expenses incurred by him in connection with

the removal and restoration. The Licensee shall such steps as the Minister may specify in order to secure compliance with this condition.

DRAFT

## **SCHEDULE 1**

**Schedule 1 contains:**

- the co-ordinates of the site based on the Irish National Grid Co-ordinate System and the area of the site
- site map(s)
- a chart showing the location of the site in relation to the surrounding area.

DRAFT

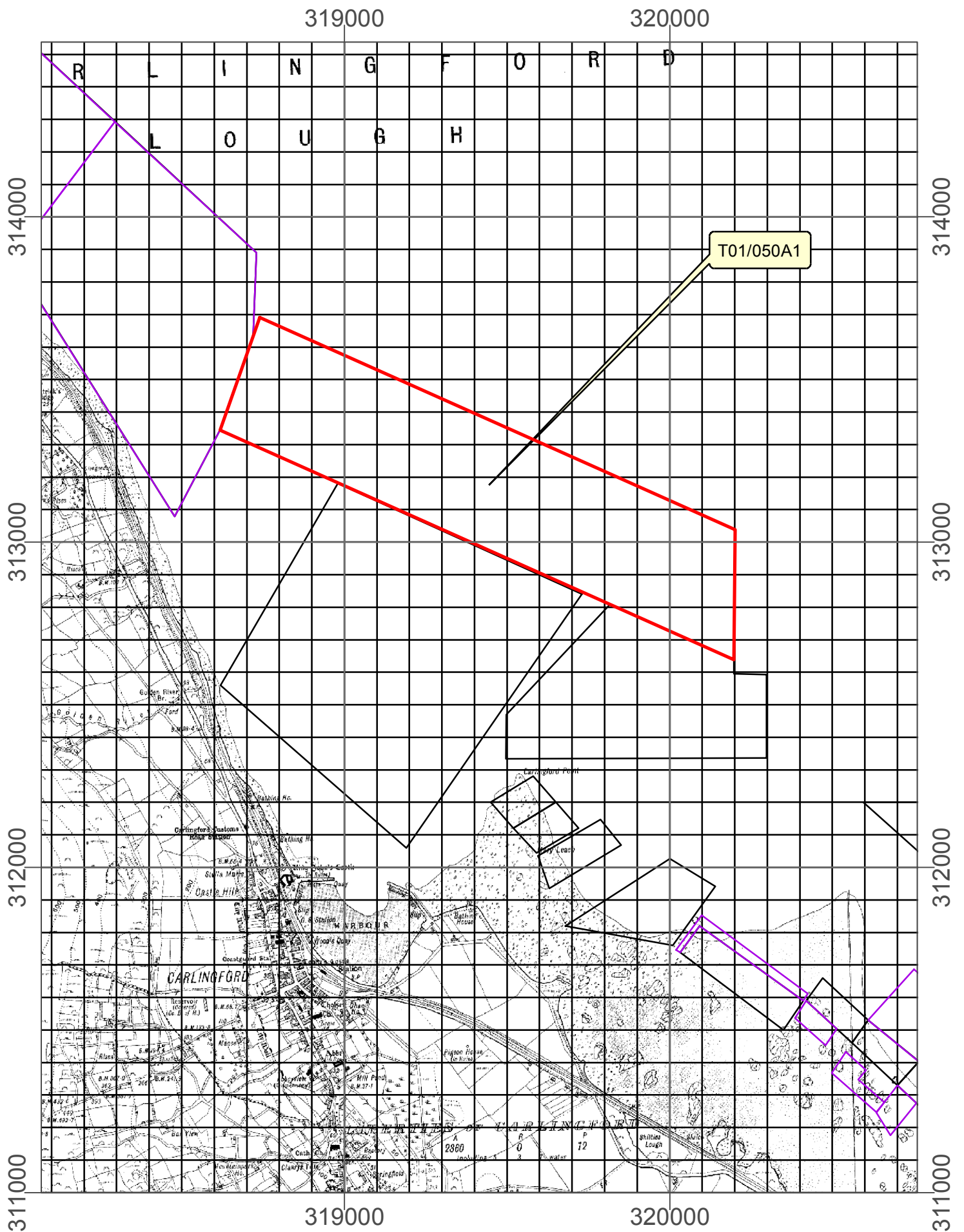
## **1 NO. SITE AT CARLINGFORD LOUGH CO.LOUTH**

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

#### **Site T01/050A1 (61.05 Ha)**

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

318740, 313691 to Irish National Grid Reference point  
320201, 313038 to Irish National Grid Reference point  
320197, 312638 to Irish National Grid Reference point  
318618, 313344 to the first mentioned point.



Aqua Culture Sites  
<all other values>

- Site\_Status**
- Application
  - Licensed
  - 100 Meter Reference Grid

1:15,000

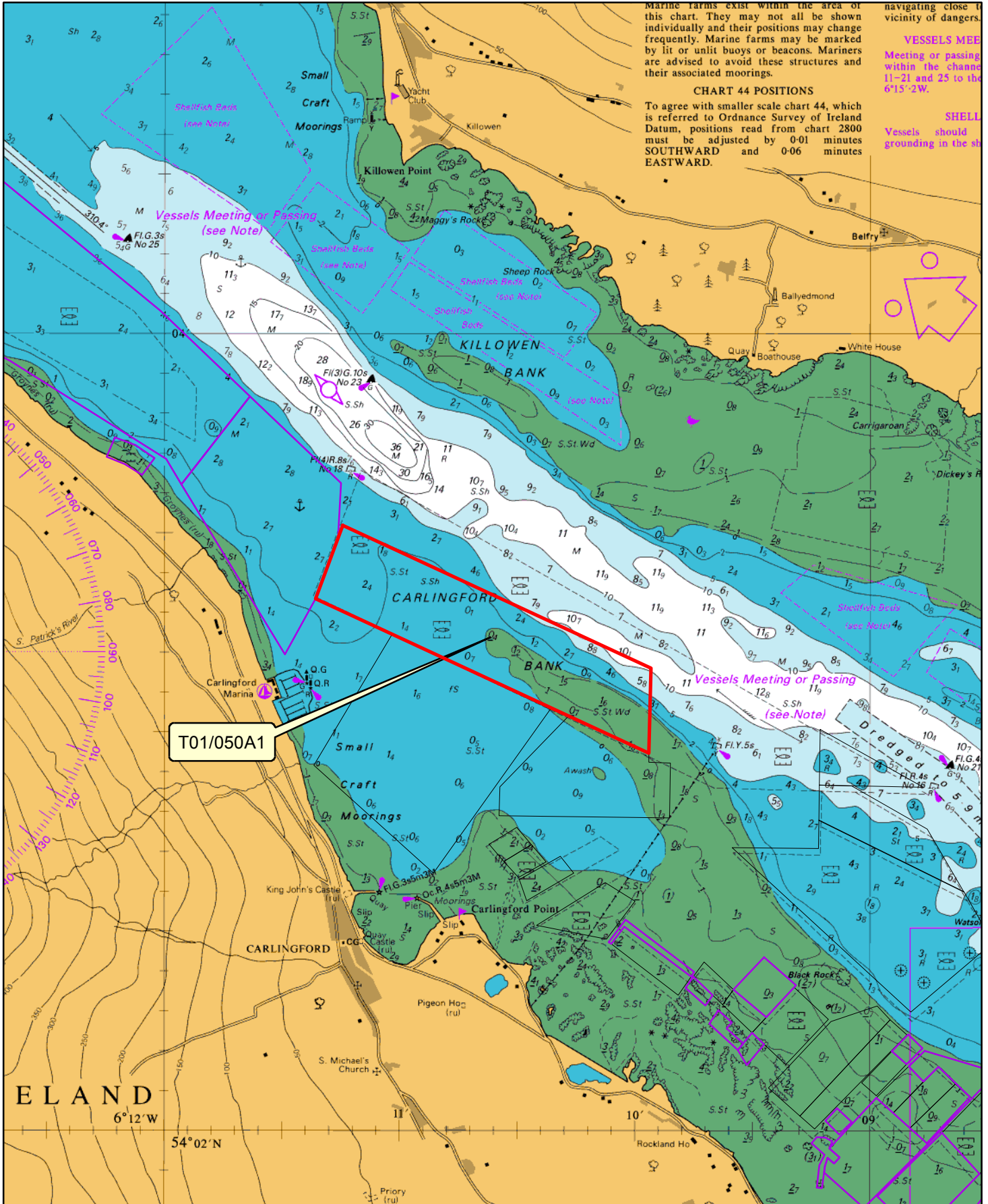
Sites highlighted in red denotes Application

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Bia agus Mara  
Department of Agriculture,  
Food and the Marine





Marine farms exist within the area of this chart. They may not all be shown individually and their positions may change frequently. Marine farms may be marked by lit or unlit buoys or beacons. Mariners are advised to avoid these structures and their associated moorings.

**CHART 44 POSITIONS**  
To agree with smaller scale chart 44, which is referred to Ordnance Survey of Ireland Datum, positions read from chart 2800 must be adjusted by 0-01 minutes SOUTHWARD and 0-06 minutes EASTWARD.

navigating close to vicinity of dangers.

**VESSELS MEE**  
Meeting or passing within the channel 11-21 and 25 to the 6°15'2W.

**SHELL**  
Vessels should grounding in the shell

T01/050A1

1:24,000

**Aqua Culture Sites**  
<all other values>  
**Site\_Status**  
Application  
Licensed

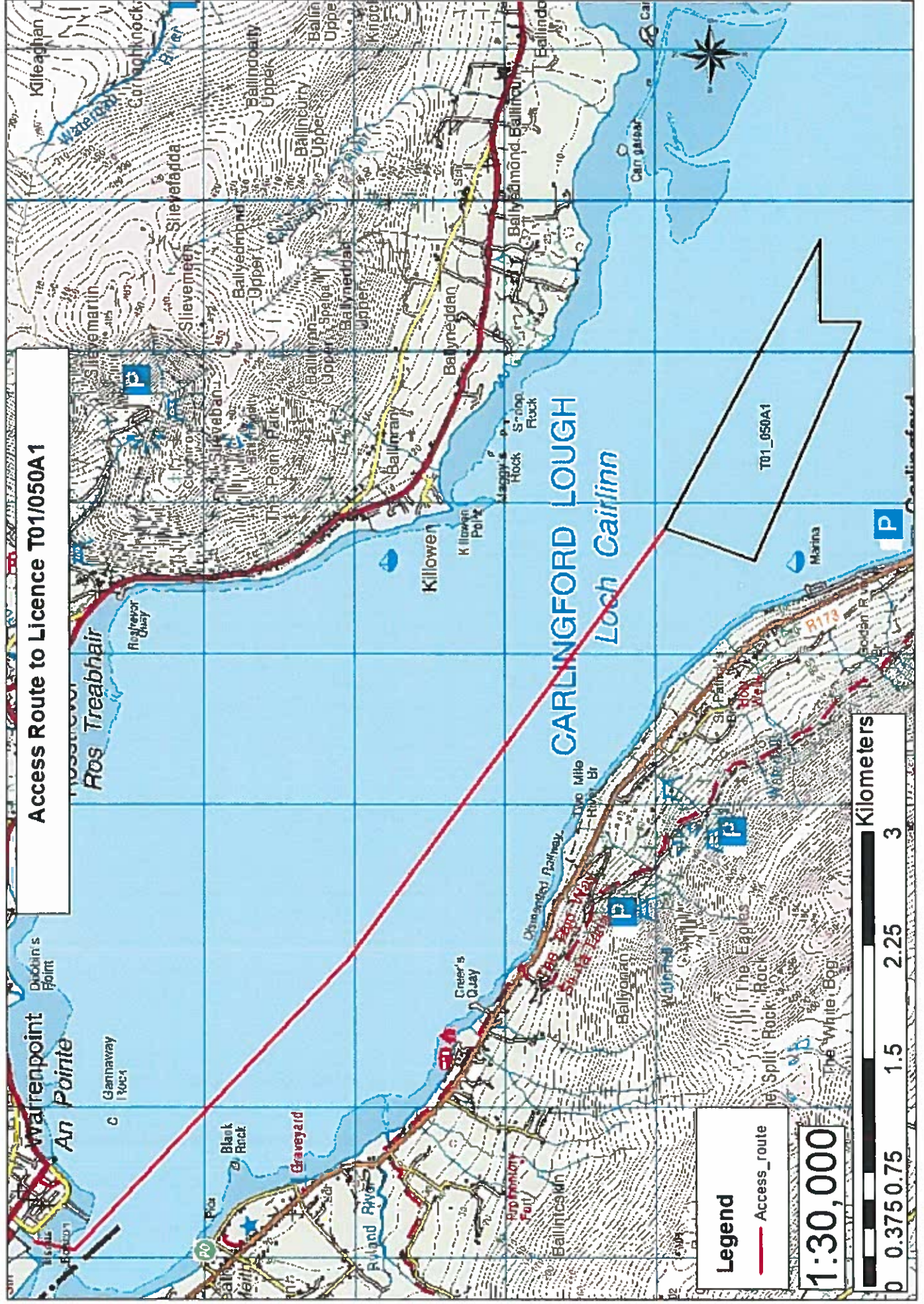
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An Roinn Talmhaíochta,  
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Department of Agriculture,  
Food and the Marine

Note: An updated site access map to reflect the variation granted will need to be requested once the Minister's determination is made.





Access Route to Licence T01/050A1

Legend

— Access\_route

1:30,000

Kilometers  
0 0.375 0.75 1.5 2.25 3

T01\_050A1

CARLINGFORD LOUGH  
Loch Cairfinn

An Pointe

Ros Treabhair

Killowen

Loch Cairfinn

Dublin's Point

An Pointe

Gannaway

Black Rock

Graveyard

Riland River

Ballynaboinn

Ballynaboinn

Ballynaboinn

Ballynaboinn

Ballynaboinn

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Ballynaboinn

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## **SCHEDULE 2**

- the approved plans and drawing(s) (if applicable)

This licence is Bottom Culture (no structures) – therefore, not applicable.

**DRAFT**

### **SCHEDULE 3**

- There are to be no obstructions of any kind above the seabed.
- There are to be no moorings placed on the site.
- The site shall be marked in accordance with the requirements of the Special Unified Marking Scheme (SUMS) within Carlingford Lough.

**DRAFT**

## **SCHEDULE 4**

### **Schedule 4 contains conditions specific to this licence:**

- The Licensee shall ensure that the initial source of seed and any subsequent seed sources be approved by the Department of Agriculture, Food and the Marine.
- The Licensee shall furnish the following specific records relating to site usage to the minister annually for each calendar year (to be submitted no later than 31<sup>st</sup> March of the following year):
  - quantity, size and source of mussel seed imported into the site;
  - quantity of mussel re-laid in the site;
  - quantity and size of mussel exported from the site
- The Licensee shall, prior to the commencement of operations, draw up a Contingency Plan, for the approval of the Department of Agriculture, Food and the Marine which will identify methods for the removal from the environment of any invasive non-native species introduced as a result of operations from the site. If such an event occurs, the Contingency Plan shall be implemented immediately.

DRAFT





**T01/050A1**

**FORESHORE LICENCE**

**Carlingford Lough Shellfish Co-operative Society Limited**

**C/O PJ Donnelly**

**Millgrange**

**Greenore**

**Co. Louth**

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**TERMS AND CONDITIONS APPLICABLE TO FORESHORE LICENCE**

SEAL OF OFFICE AND SIGNATURES

*SCHEDULE 1*

**DRAFT**

**FORESHORE LICENCE IN RESPECT OF A SITE**  
**(NUMBERED T01/050A1) AT CARLINGFORD LOUGH, CO. LOUTH**

AGREEMENT made on the **XX XXXXXXXX 20XX**, between the Minister for Agriculture, Food and the Marine (hereinafter referred to as the “Minister” which expression shall include his Successors or Assigns where the contract so requires or admits), of the one part, and

**Carlingford Lough Shellfish Cooperative Society Limited**

**c/o PJ Donnelly**

**Millgrange**

**Greenore**

**Co. Louth**

(hereinafter referred to as the “Licensee”) of the other part, whereby the Minister, in exercise of the powers conferred on him by Section 3 of the Foreshore Act, 1933 (No.12 of 1933) hereby grants to the Licensee licence to use and occupy that part of the foreshore at Carlingford Lough, Co. Louth (numbered T01/050A1 ) detailed in the attached schedule and more particularly delineated on the map annexed hereto and thereon coloured red for the purpose of the cultivation set out in Aquaculture Licence Number **XXX** on the terms and conditions set out in the attached pages.

This Foreshore Licence shall remain in force for a maximum period of ten (10) years commencing on **XX XXXXXXXXXXXX 20XX**, provided for so long as the Aquaculture Licence Number **XXX** granted on **XX XXXXXXXX 20XX** under the Fisheries (Amendment) Act 1997 (No. 23 of 1997) in respect of the same site for the purpose referred to is in force.

## TERMS AND CONDITIONS APPLICABLE TO FORESHORE LICENCE

1. The Licensee shall pay to the Minister the annual sum of € XXXXX (XXXXX euro XXX cent), such payment to be made on the XX day of XXXXXXXXX in every year during the continuance of this Licence, the first of such payments to be made on the signing hereof.
2. The Licensee shall use that part of the foreshore, the subject matter of this Licence, for the cultivation set out in Aquaculture Licence Number XXX only and for no other purpose whatsoever.
3. The Licensee shall comply fully with all terms and conditions of Aquaculture Licence Number XXX.
4. The Licensee shall indemnify and keep indemnified the State, the Minister, his officers, servants or agents against all actions, loss, damage, costs, expenses and any demands or claims however arising in connection with the construction, maintenance or use of any structures, apparatus, equipment or any other thing used in connection with the licensed operation in the licensed area or in the exercise of the rights granted under the licence and the Licensee shall take such steps as the Minister may specify in order to ensure compliance with this condition.
5. The duty of maintenance and responsibility for the upkeep and safety of the site rests with the Licensee.
6. The Minister shall be at liberty at any time to terminate this Licence by giving to the Licensee three months notice in writing ending on any day, and upon determination of such notice, the Licence and permission granted shall be deemed to be revoked and withdrawn without the liability for the payment of any compensation by the Minister to the Licensee.
7. Any notice to be given by the Minister may be transmitted through the Post Office addressed to the Licensee at the last known address of the Licensee.
8. The Licensee shall not carry out any operations authorised by the Licence in the licensed area in such a manner as to interfere unreasonably with fishing or navigation in the vicinity of the licensed area and shall comply with any direction given to the Licensee in that regard by the Minister.
9. In the event of the breach, non-performance or non-observance by the Licensee of any of the conditions herein contained, the Minister may forthwith terminate this Licence without prior notice to the Licensee.

**AND IT IS HEREBY CERTIFIED THAT:**

1. For the purpose of the stamping of this Instrument that this is an Instrument to which the provisions of Section 53 of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999), do not apply for the reason that the entire of the property involved comprises Foreshore and contains no Buildings.
2. The Family Law Acts of 1976, 1981, 1989, 1995 and the Family Law (Divorce) Act 1996 do not affect the Property.

**SEAL OF OFFICE AND SIGNATURES**

**PRESENT when the Seal of Office of the MINISTER FOR AGRICULTURE, FOOD AND THE MARINE was affixed and was authenticated by the Signature of:**

**WITNESS:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**OCCUPATION: CIVIL SERVANT**

**SIGNED on behalf of Licensee**

**in the presence of:**

**WITNESS:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**OCCUPATION:** \_\_\_\_\_

\_\_\_\_\_  
**A person so authorised under Section 15(1) of the Ministers and Secretaries Act, 1924 to authenticate the seal of the Minister.**

\_\_\_\_\_

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- a chart showing the location of the site in relation to the surrounding area.

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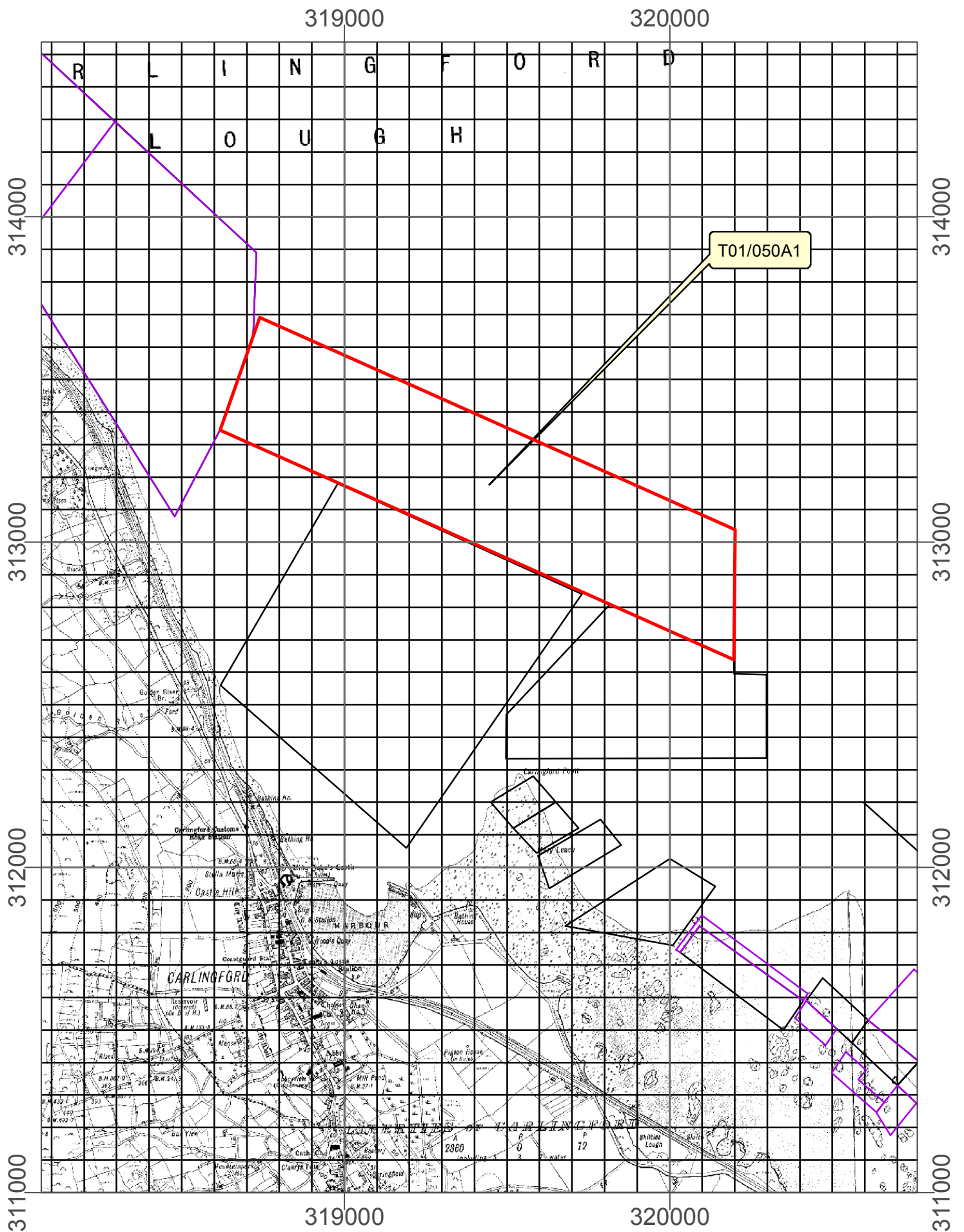
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  - 100 Meter Reference Grid

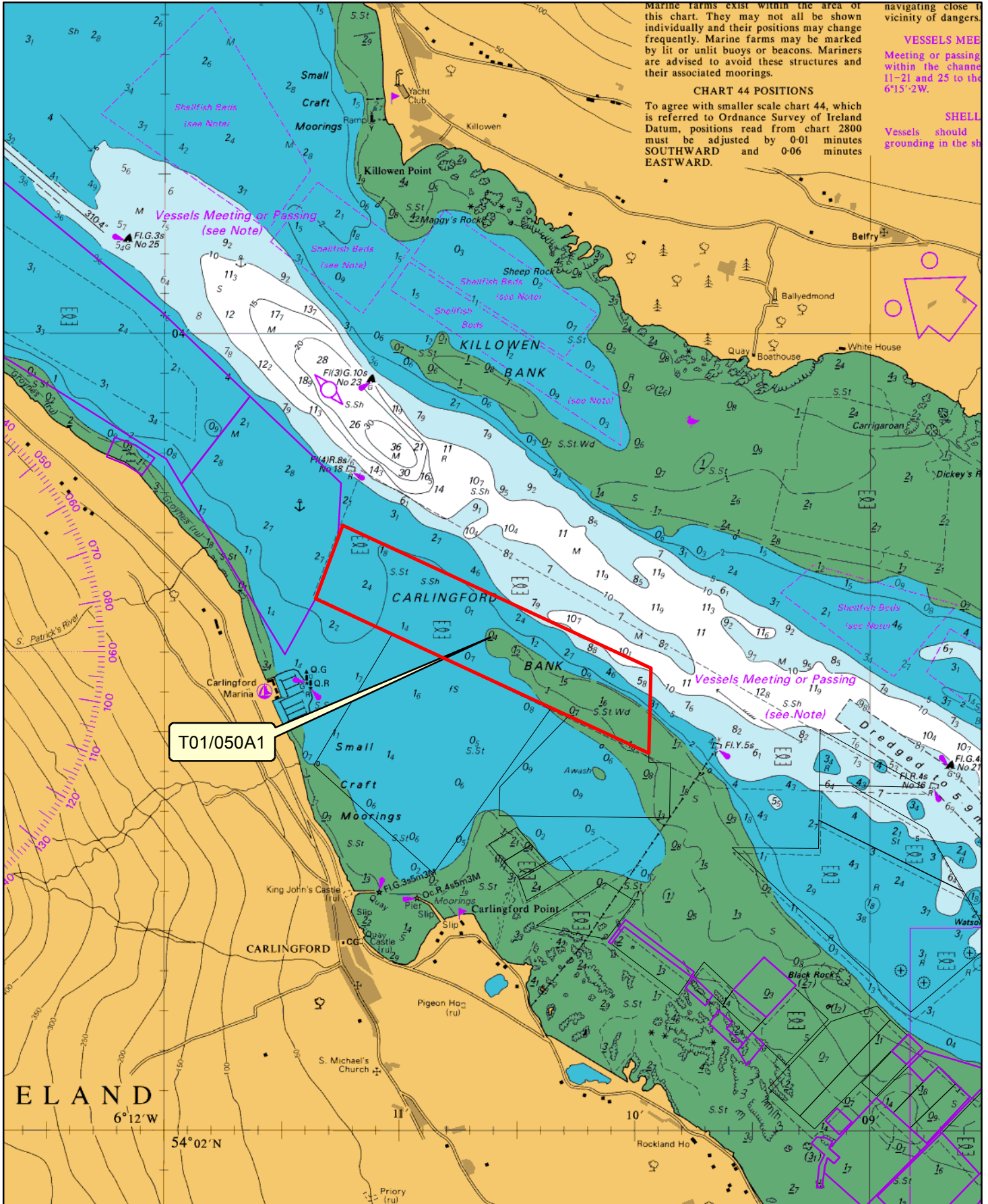
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Sites highlighted in red denotes Application

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**An Roinn Talmhaíochta,  
 Bia agus Mara**  
 Department of Agriculture,  
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T01/050A1

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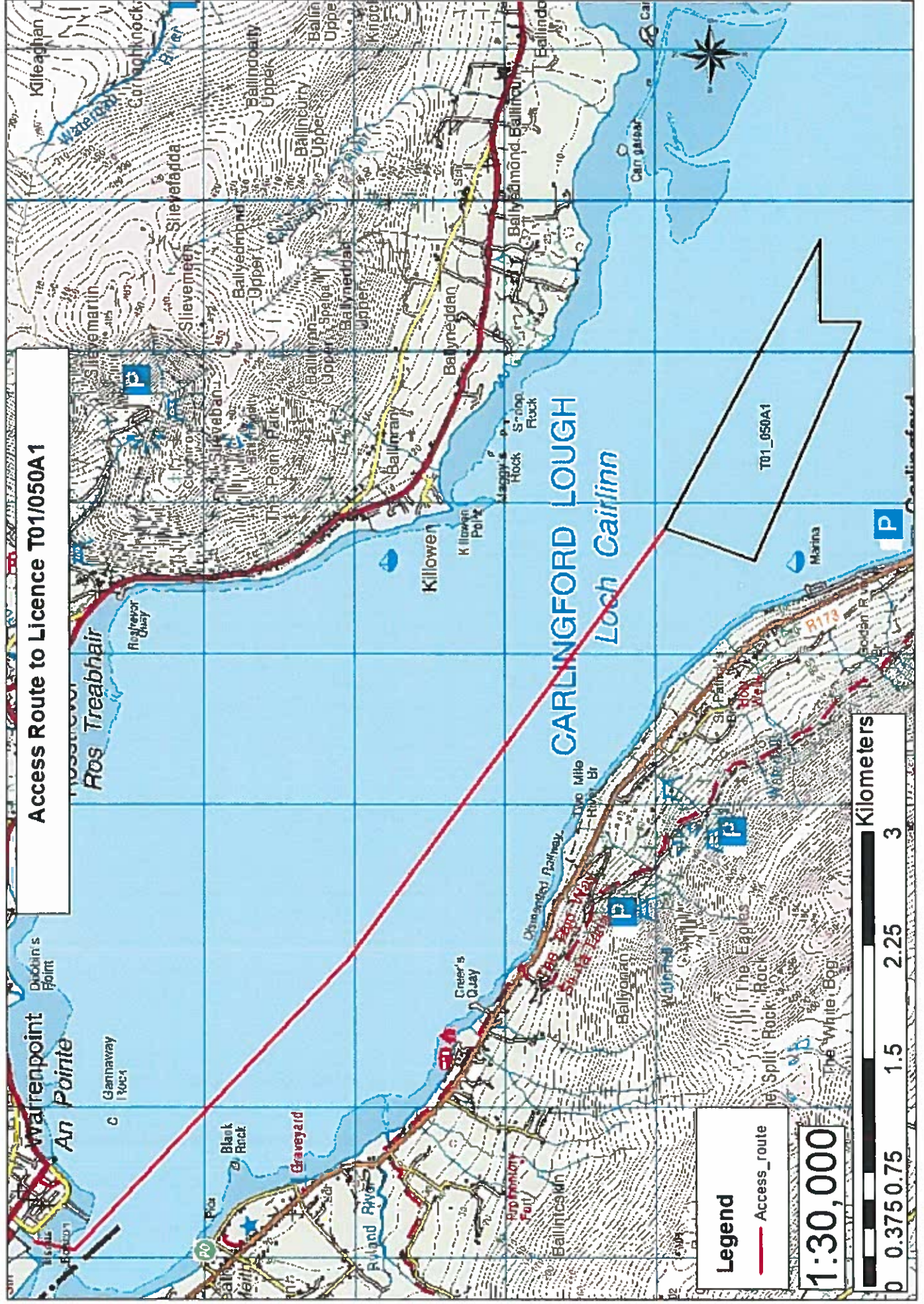
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An Roinn Talmhaíochta,  
Bia agus Mara  
Department of Agriculture,  
Food and the Marine

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Access Route to Licence T01/050A1

Legend

— Access\_route

1:30,000

Kilometers  
0 0.375 0.75 1.5 2.25 3

T01\_050A1

CARLINGFORD LOUGH  
Loch Cairfinn

An Pointe

Ros Treabhair

Killowen

Ballyneddan

Ballynedan

Ballynedan

Ballynedan

Ballynedan

Ballynedan

Ballynedan

Ballynedan

Dublin's Point

An Pointe

Gannaway Rock

Black Rock

Graveyard

Riland River

Red Bank

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