

"Determination of Aquaculture/Foreshore Licensing Application – T06/511A

Mr. Jeremiah M. Costello, Lonhart, Cromane, Killorglin, Co. Kerry has applied for authorisation to cultivate Pacific Oysters using bags and trestles on one site numbered T06/511A totalling 3.625 ha on the intertidal foreshore between Cromane and Tullig near the southern shore of Castlemaine Harbour, Co. Kerry.

*The Minister for Agriculture, Food and the Marine has determined that it is **not in the public interest** to grant Aquaculture and Foreshore Licences for 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 statutory provisions. The following are the reasons and considerations for the Minister's determination to **refuse** the licences sought:-*

- The proposed site is located within the Castlemaine Harbour Special Area of Conservation (SAC) and the Castlemaine Harbour Special Protection Area (SPA). An Article 6 Appropriate Assessment was carried out in relation to aquaculture activities in the SAC and SPA in 2019 and the reports are available on the Department's website. The Licensing Authority's 2019 Natura Conclusion Statement (also available on the Department's website) outlines how certain proposed aquaculture activities, including intertidal culture at Site T06/511A, shall not be permitted as the risk of disturbance to the integrity of the SAC and SPA cannot be discounted given the conclusions and recommendations of the Appropriate Assessment process;*
- Given the potential significant effects identified in considering new licence applications, including T06/511A, alone and cumulatively, within the Castlemaine Harbour SAC and Castlemaine Harbour SPA such as noise/visual disturbance for all intertidal Special Conservation Interests (SCIs) and Cormorant and displacement for all intertidal foraging SCIs except Greenshank and Redshank. In addition, it is predicted that new licence applications, including this proposed site, could cumulatively contribute to intertidal habitat loss in all I-WeBS subsites considered to be key areas for maintaining the long-term population trends of SCIs;*
- There is insufficient evidence to suggest that the affected areas within Castlemaine Harbour would maintain a comparable level of ecological functionality if licensing were permitted. It was concluded that no further consenting of licence applications can take place within the Castlemaine Harbour SAC and Castlemaine Harbour SPA until such time as additional studies are completed and further mitigation approaches are considered;*
- The proposed site is not located within a designated Shellfish Growing Waters Area;*
- Taking account of the issues raised during the public and statutory consultation phase."*