

Marine & Fisheries

Consultation on new aquaculture applications in Mill Bay

New applications under the Fisheries Act (Northern
Ireland) 1966

June 2023

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Department of
**Agriculture, Environment
and Rural Affairs**

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IN PEOPLE**

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Abbreviations

AFBI	<p>Agri-food & Biosciences Institute.</p> <p>Provider of scientific research and services to government and sponsored by the Department of Agriculture, Environment and Rural Affairs.</p>
ASSI	<p>Area of Special Scientific Interest.</p> <p>Protected areas that represent the best of our wildlife and geological sites that make a considerable contribution to the conservation of our most valuable natural places.</p>
CIA	<p>Cumulative Impact Assessment.</p> <p>Assessment of the impact on environmental resources resulting from changes to the wider environment. A more in-depth assessment than the statutory Habitats Regulations Assessment under the Habitats Directive 92/43/EEC.</p>
DAERA	<p>The Department of Agriculture, Environment & Rural Affairs.</p> <p>The competent authority for aquaculture licensing.</p>
FCL	<p>Fish Culture Licence.</p> <p>The statutory permit for operating a fish farm in Northern Ireland. Granted under the Fisheries Act (Northern Ireland) 1966.</p>
FOI	<p>Freedom of Information – under the Freedom of Information Act 2000</p>
ICO	<p>Information Commissioners Office.</p> <p>Executive non-departmental public body, responsible for information rights in the public interest, promoting openness by public bodies and data privacy for individuals.</p>
SAC	<p>Special Area of Conservation</p> <p>Areas given greater protection under The Conservation (Natural Habitats, etc.) Regulations 1995 (Northern Ireland) to increase protection to a variety of animals, plants and habitats of importance to biodiversity.</p>
SMILE	<p>Sustainable Mariculture in northern Irish Sea Lough Ecosystems</p>
SPA	<p>Special Protection Area.</p> <p>Protected area for birds in the UK classified under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995.</p>
UK	<p>United Kingdom</p>

Background

Aquaculture in Northern Ireland

The Northern Ireland aquaculture sector is a small, but valuable, niche industry, consisting of a range of species-specific businesses which continue to develop. The sector consists of several viable, often small, but profitable businesses. It provides a vital source of employment and economic activity that contributes to the preservation of viable rural communities on a year-round basis.

Licensing of aquaculture establishments

Under the provisions of the Fisheries Act (Northern Ireland) 1966 (“the 1966 Act”)¹, the Department of Agriculture, Environment and Rural Affairs (DAERA) is responsible for the licensing of all aquaculture establishments in Northern Ireland. It is an offence under section 11(5) of the 1966 Act to operate a fish farm without a Fish Culture Licence (FCL).

The legislative procedures for making and processing applications for FCLs are contained in section 11A of the 1966 Act.

As the competent authority with responsibility for the licensing of all aquaculture establishments, DAERA also has a duty under the Environment (Northern Ireland) Order 2002 and the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995, as amended, to consider the potential adverse impacts of fish farms, both individually and in-combination with other fish farm developments (the cumulative assessment) on designated conservation features of Areas of Special Scientific Interest (ASSIs), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), prior to the granting of a licence.

Further information on the Departments aquaculture licensing process can be found in the [Aquaculture and Fish Health](#) section of the DAERA web page.

¹ [The Fisheries Act \(Northern Ireland\) 1966](#)

The Department is in receipt of three applications for new aquaculture establishments in Mill Bay, Carlingford Lough. Details of these applications are provided in the following paragraphs and annexes to this document.

Publication

In accordance with section 11A(2) of the 1966 Act, this consultation has been made available to the wider public via publication on the DAERA website and by way of notice in the local press. A copy of the statutory public notice is attached at Annex A.

Accessibility

Alternative formats can be made available on request in large print, disc, Braille, audio cassette, or text phone for the hearing impaired. The document may also be made available on request in minority ethnic languages to those who are not proficient in English. The Department will translate executive summaries of key publications into Irish or Ulster Scots upon request. Information and additional copies of the document can be requested by email at aquaculturefishhealthpolicy@daera-ni.gov.uk.

Applications

The following summary information pertains to the applications as originally made and the Departments alterations upon consideration. These should be read in conjunction with the “Departmental Consideration” below, and the recommendations in the cumulative impact assessment.

Application 1- Mr Patrick Carvill

Mr Patrick Carvill, 32 Lurganconary Road, Kilkeel, Co. Down, BT34 4LL, has applied to the Department for a Fish Culture Licence. Mr Carvill has applied for 8,320 trestles (5 m x 1 m x 1 m), which are to be placed in a site in Mill Bay, Carlingford Lough. The total

original site area is 16.7 hectares. The applicant has applied for a Fish Culture Licence that will permit the trestle culture of triploid Pacific oysters (*Magallana gigas*).

Charts and coordinates for the original application are attached at Annex B.

ITEM	SUMMARY OF APPLICATION		
Species	Pacific oyster (<i>Magallana gigas</i>) - Triploid		
Estimated annual production	Original	Recommended	% Reduction
	80T	25T	68.9%
Hectarage	Original	Recommended	% Reduction
	16.7	5.2	68.9%
Proposed spat source	Hatcheries in GB, Ireland or France		
Jobs created	2 Full-time / 6 Part-time		
Harvesting method	Tractor and foot		
Site location	Completely above low water mark spring tide		
Access	Existing public access		
Protection of wildlife	Predation on this site with enclosed oyster bags is not considered to be an issue by the applicant.		

The applicant has advised that the following cultivation and husbandry practices will be utilised:

Cultivation Method:

Standard oyster farm equipment will be used. Triploid oyster seed from hatcheries of at least equivalent disease-free status to Carlingford Lough and will be placed into mesh bags. Standard mesh oyster bags will then be laid on in the intertidal zone. This will ensure good water coverage and allow the visual impact of the farm to be minimised.

Husbandry:

Triploid seed will be bought from hatcheries in France, UK, and Ireland as detailed above. This stocking-out will occur at early spring or late autumn. Less activity will occur during

July and August to reduce stress during the peak temperatures. When they reach 20 grammes the oysters will be graded, bags split and thinned out - then moved to larger mesh bags.

The winter period produces slower growth and very low water occurs during darkness. At this stage the site will be accessed by farm workers for shorter periods just for maintenance and harvesting and would be safer.

No feed stuffs or chemicals will be administered.

Application 2 – Mr Darren Cunningham

Mr Darren Cunningham, 31 Stewarts Road, Annalong, Co. Down, BT34 4UE, has applied to the Department for a Fish Culture Licence. Mr Cunningham has applied for 10,000 trestles (5 m x 1 m x 1 m), which are to be placed in a site in Mill Bay, Carlingford Lough. The total original site area is 49 hectares. The applicant has applied for a Fish Culture Licence that will permit the trestle culture of triploid Pacific oysters (*Magallana gigas*) and the trestle culture of Blue mussels (*Mytilus edulis*).

Charts and coordinates for the original application are attached at Annex B.

ITEM	SUMMARY OF APPLICATION		
Species	Pacific oyster (<i>Magallana gigas</i>) – Triploid Blue mussels (<i>Mytilus edulis</i>)		
Estimated annual production	Original	Recommended	% Reduction
	190T	128T	32.7%
Hectarage	Original	Recommended	% Reduction
	49	33	32.7%
Proposed spat source	Hatcheries in GB, Ireland or France		
Jobs created	6 Full-time / 8 Part-time / 4 Casual		
Harvesting method	Tractor and foot		
Site location	Completely above low water mark spring tide		

ITEM	SUMMARY OF APPLICATION
Access	Existing public access
Protection of wildlife	Predation on this site with enclosed oyster bags is not considered to be an issue by the applicant.

Pacific Oysters (*Magallana gigas*)

Cultivation Method:

Standard oyster farm equipment will be used. Triploid oyster seed from hatcheries of at least equivalent disease-free status to Carlingford Lough and will be placed into mesh bags. These bags will then be laid on in the intertidal zone. The trestles will be located in the deeper parts of the site in water as far as possible. This will ensure good water coverage and also allow the visual impact of the farm to be minimised.

Husbandry:

Seed will be bought from hatcheries and then outside of the summer peak temperature periods. From January to March and September to October.

During the period March to October, growth is at its highest rate. During this period, the oyster bags will be turned and shaken regularly to maintain good shape and avoid clumping when the trestles are accessible at very low tides. Less activity will occur during July and August to reduce stress during the peak temperatures. The proposed site will be accessed by farm workers by foot for approx. 22 hours per month during this period.

The winter period produces slower growth and very low water occurs during darkness. At this stage, the site will be accessed by farm workers for shorter periods just for maintenance and harvesting and would be safer.

No feed stuffs or chemicals will be administered.

Mussels (*Mytilus edulis*)

Cultivation Method:

Wild mussel spat is a byproduct of oyster production, and this would be the source of seed for mussels. Mussel production will be grown using the same methods as close as possible to oyster production. The mussels will be grown in Gassier 'box type bags'. These bags have better water flow - and space and offer an opportunity for mussels to be grown on trestles.

These will be attached to trestles similar to the Pacific Oysters.

Making full use of the licensed area and, bearing in mind that mussels already naturally occur on the site, allows an opportunity for a side production of mussel production.

No feed stuffs or chemicals will be administered.

Application 3 – Rooney Fish

Rooney Fish, The Harbour, Kilkeel, Co. Down, BT34 4AX, has applied to the Department for a Fish Culture Licence. The application is for 60,000 trestles, which are to be placed in a site in Mill Bay, Carlingford Lough. The total original site area is 168 hectares. The applicant has applied for a Fish Culture Licence that will permit the trestle culture of triploid or sterile Pacific oysters (*Magallana gigas*) and European or Native oysters (*Ostrea edulis*).

Charts and coordinates for the original application are attached at Annex B.

ITEM	SUMMARY OF APPLICATION		
Species	Pacific oyster (<i>Magallana gigas</i>) – Triploid Native oyster (<i>Ostrea edulis</i>)		
Estimated annual production	Original	Recommended	% Reduction
	500T	122T	75.6%
Hectarage	Original	Recommended	% Reduction
	168	41	75.6%

ITEM	SUMMARY OF APPLICATION
Proposed spat source	Hatchery seed
Jobs created	1 Full-time / 1 Part-time / 6 Casual
Harvesting method	Tractor / ATV and trailer
Site location	Completely above low water mark spring tide
Access	Existing public access
Protection of wildlife	Oysters will be held in mesh bags which will be strongly attached to steel trestles to prevent access to the oysters by predators and to avoid bags being lost to the sea. Best practice will be observed at all times

Plan to cultivate *Magallana gigas* and *Ostrea edulis* but it will mainly be *Magallana gigas* to begin with.

Propose to use the traditional bag and trestle method of cultivation on the site which would involve deploying trestles.

Plan to populate the trestles with 5 oyster bags per trestle. The bags would be standard oyster cultivation bags with mesh sizes ranging from 4mm, 7mm, 9mm and 14mm depending on the size of the oysters at any given time. Bags will be strongly fixed to the trestles using a hook and rubber band system ensuring no bags are lost to current or wave action.

Access to the site will be via an existing access route currently used to service an existing intertidal oyster site next to the proposed site, leading to minimal, if any, disruption to the surrounding areas. Plan to use a tractor and trailer/all-terrain vehicle to work on the site which would involve taking seed, graded oysters and bags etc. to the site and removing stock for sale and sorting/grading at certain times of the year. There is no plan for outbuildings at the site and all grading and bagging work shall be carried out at our factory situated at The Harbour, Kilkeel, Co Down. Activity on the site will be restricted to times when the tides are at their biggest. This will probably mean typically workers accessing the site for 10 days out of every month. This will include general site maintenance/husbandry, turning of the bags and removal of any biofouling that has

accumulated. There will be periods of increased activity on the site to coincide with harvesting. Harvesting would typically be from October to December.

Pre-requisite permissions

For each application, the owners of the seabed; The Crown Estate and Mourne Country Park, have confirmed they have no objections and have indicated their willingness to enter into a lease of the seabed for aquaculture purposes.

Departmental Consideration

Statutory and Policy Considerations

Aquaculture is one of the Key Activity Policies of the draft Marine Plan for Northern Ireland². There is a presumption in favour of aquaculture proposals where it can be demonstrated there will be no unacceptable adverse impact on marine activities, uses and/or the marine area, and any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated.

In addition, under the requirements of the Fisheries Act 2020³, and the Joint Fisheries Statement, the Department must take cognisance of the best available scientific evidence and take a precautionary and ecosystem-based approach to the management of fisheries and aquaculture.

Sustainability is embedded within marine and fisheries policy and legislation, including the Northern Ireland Inshore Fisheries Strategy and more recently the Fisheries Act 2020 and Joint Fisheries Statement. The Department has a duty to manage aquaculture within sustainable limits and to ensure it does not have detrimental impacts on marine protected areas.

Assessments

In light of this, and, in accordance with the provisions of the Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995 (as amended)⁴ and the Environment Order

² [Draft Marine Plan for Northern Ireland](#)

³ [The Fisheries Act 2020](#)

⁴ [The Conservation \(Natural Habitats etc.\) Regulations \(Northern Ireland\) 1995](#)

(Northern Ireland) 2002,⁵ the Department commissioned assessments to be carried out by AFBI, on both the potential individual and combined cumulative impacts of the proposed applications on the Carlingford Lough Special Protection Area (SPA), and the potential impacts of the proposed applications on the designated features of the Carlingford Lough Area of Special Scientific Interest (ASSI). AFBI's "SMILE" ([Sustainable Mariculture](#)) model was used to inform these assessments.

Initial individual assessments indicated that the proposed developments were at a scale which would exceed the ecological carrying capacity of Carlingford Lough. Further model runs and assessments were undertaken after AFBI worked with counterparts in the Republic of Ireland to obtain accurate data for the southern side of the Lough. Upon review of these, the Department requested AFBI to develop options, which would see each proposed establishment reduced to an acceptable level and allow them to fall within the sustainability limits and the carrying capacity of Carlingford Lough and, in particular, Mill Bay.

In order to develop these options, given the potential cumulative impact of both the new and existing aquaculture sites and the applicants' mutual interest in specific areas of the seabed, the Department considered it necessary to assess the three applications in combination and, if required, make the appropriate adjustments to each of the proposed sites.

The Department presented the final assessment and discussed these reduced options with each of the applicants. Following these discussions, the size of the proposed establishments has been revised accordingly.

Conclusions

The finalised Cumulative Impact Assessment (CIA) has determined that, in order to adequately minimise potential disturbance to the designated sites, and to reduce the potential for far field impacts, it is recommended that the proposed applications be allowed to proceed under the reduced licensed areas and the revised annual production as

⁵ [The Environment Order \(Northern Ireland\) 2002](#)

outlined in Appendix A of the CIA. These amendments will not have a negative impact on the SPA conservation features or the designated ASSI features of Carlingford Lough.

Responses

Any comments you may wish to make on the proposed applications should be submitted to Marine and Fisheries Division, on, or before, 6 October 2023, via the Public Consultation Citizen Space portal at <https://consultations2.nidirect.gov.uk/daera/consultation-on-new-aquaculture-applications-in-mi>.

Should you wish to provide supplementary information as part of your response, please email this to aquaculturefishhealthpolicy@daera-ni.gov.uk. This must be from the same email address detailed in your online response, so that they may be linked. You must confirm within your online response that this has been done.

Freedom of Information

In line with the Department's policy of openness, at the end of the consultation period, copies of the responses received may be made publicly available. The information they contain may also be published in a summary of responses, which will be placed on the internet at www.daera-ni.gov.uk/publications

This summary will include a list of names of organisations or sectors that responded but not personal names, addresses or other contact details.

You should also be aware that there might be circumstances in which we will be required to communicate information to third parties on request, in order to comply with our obligations under the Freedom of Information Act 2000⁶ and the Environmental Information Regulations 2004⁷. For further information about confidentiality of responses,

⁶ [The Freedom of Information Act 2000](#)

⁷ [The Environmental Information Regulations 2004](#)

please contact the Information Commissioner's Office, or visit its website at www.ico.org.uk

Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and this will provide you with guidance on the legal position about any information submitted by you in response to this consultation.

Section 8(e) of the Data Protection Act 2018 permits processing of personal data when necessary for an activity that supports or promotes democratic engagement. Information provided by respondents to this stakeholder engagement exercise will be held and used for the purposes of the administration of this current exercise and subsequently disposed of in accordance with the provisions of the Data Protection Act 2018 and the General Data Protection Regulation. For more information and to view the DAERA Privacy Statement please go to: <https://www.daerani.gov.uk/publications/daera-privacy-statement-document>

The FOI Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential, information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential. If you do not wish information about your identity to be made public please include an explanation in your response including any harm you believe such a disclosure might cause.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the FOI Act provides that:

- The Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;

- The Department should not agree to hold information received from third parties “in confidence” which is not confidential in nature, acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner. For further information about confidentiality of responses please contact the Information Commissioner’s Office, or visit the ICO Website

If you do not consent to this, you must explicitly request that your response be treated confidentially, detailing your reasons for this request. Any confidentiality disclaimer generated by your IT system in e-mail responses will not be treated as such a request.

Annex A – Public Consultation Notice

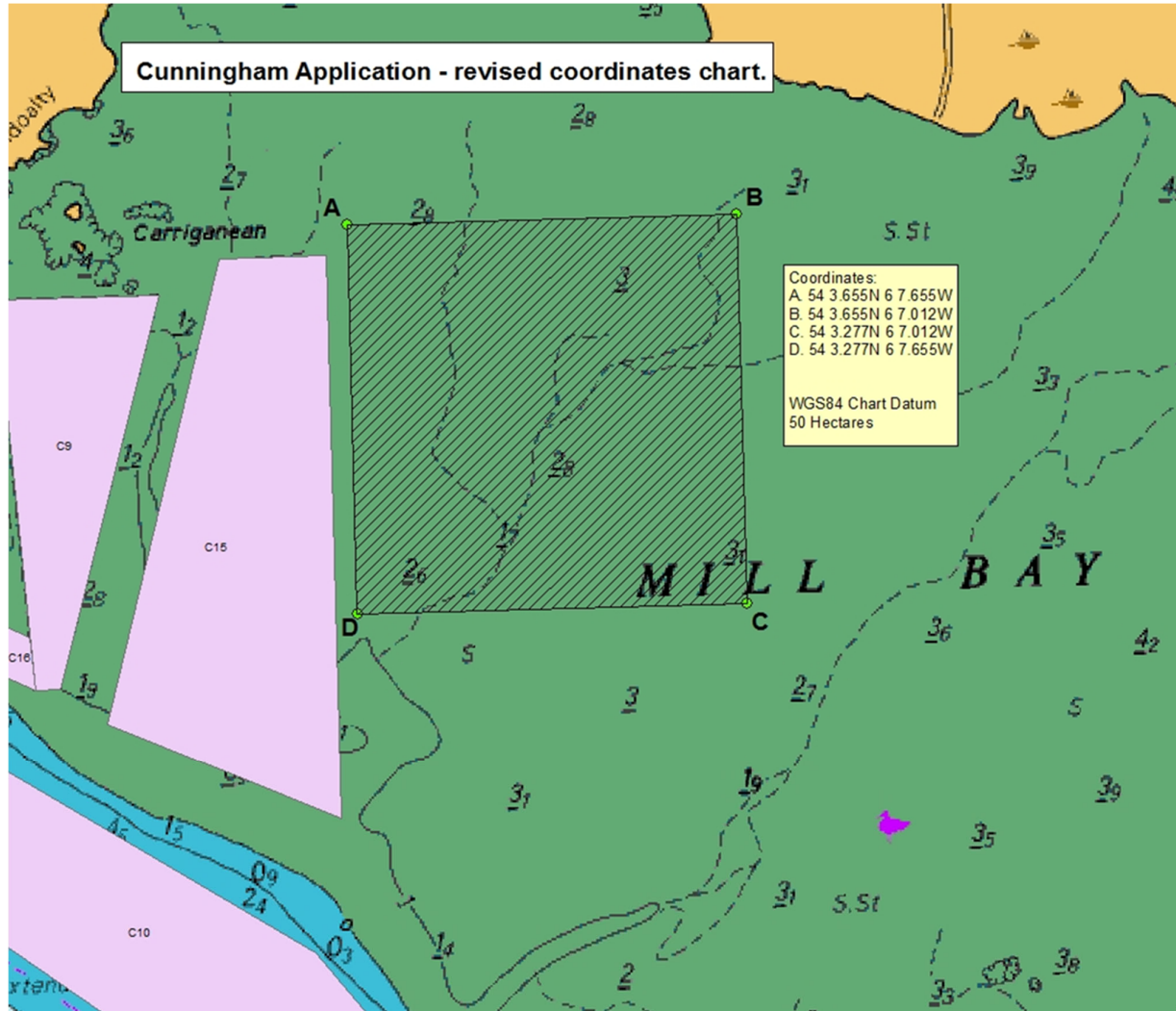
Fisheries Act (Northern Ireland) 1966

In accordance with the provisions of the above Act, The Department of Agriculture, Environment and Rural affairs (DAERA), hereby gives notice of three applications for Fish Culture Licences, for new aquaculture establishments within Mill Bay, Carlingford Lough. Applicant 1: Mr Patrick Carvill, 32 Lurganconary Road, Kilkeel, Co. Down, BT34 4LL; Applicant 2: Mr Darren Cunningham, 31 Stewarts Road, Annalong, Co. Down, BT34 4UE; and Applicant 3: Rooney Fish, The Harbour, Kilkeel, Co. Down, BT34 4AX.

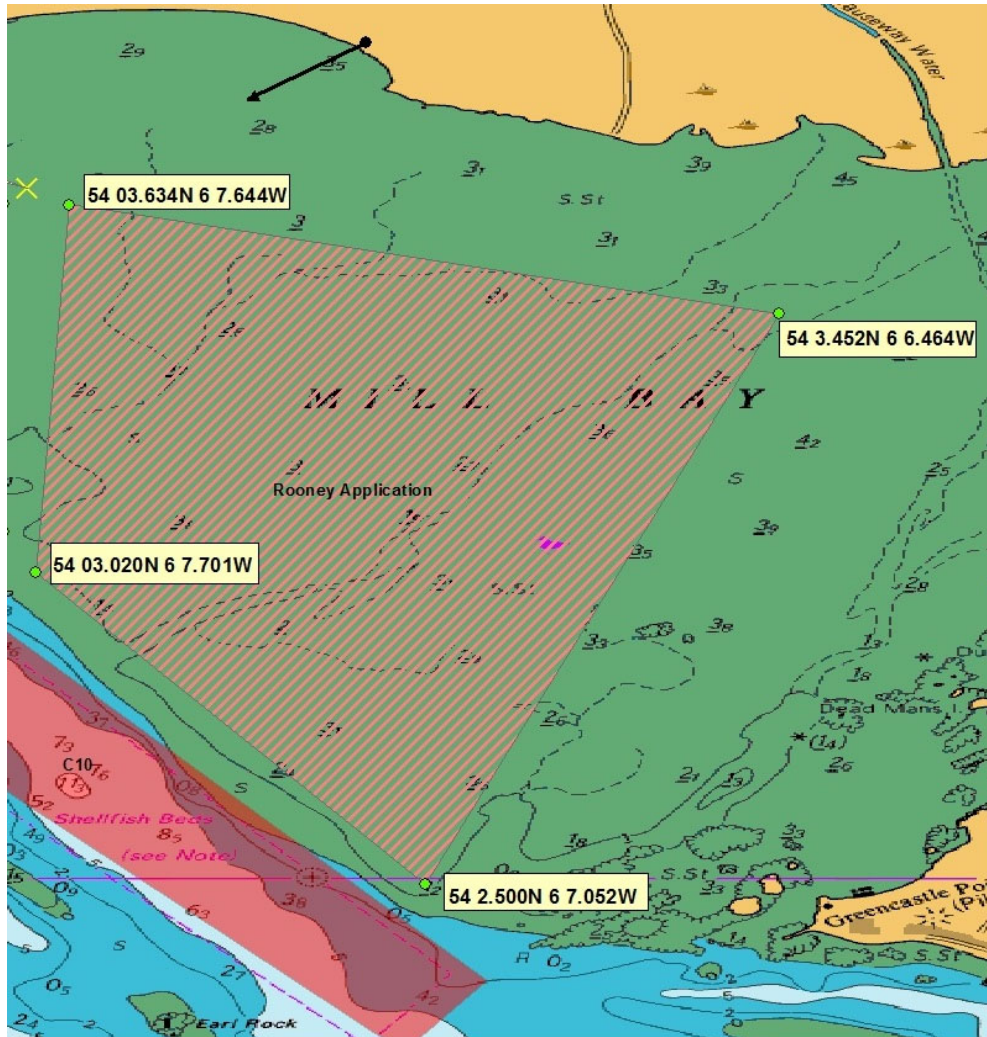
A consultation package providing details of the applications and further instructions on responding, can be found on the DAERA website at www.daera-ni.gov.uk under “Consultations”. Alternatively, this information can be obtained by emailing AquacultureFishHealthPolicy@daera-ni.gov.uk.

Any comments you may wish to make on these proposed establishments should be submitted to DAERA on, or before, 6 October 2023 via the Citizen Space portal via <https://consultations2.nidirect.gov.uk/daera/consultation-on-new-aquaculture-applications-in-mi>.

Application 2: Mr Darren Cunningham

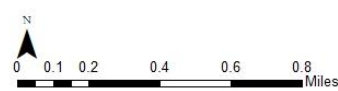
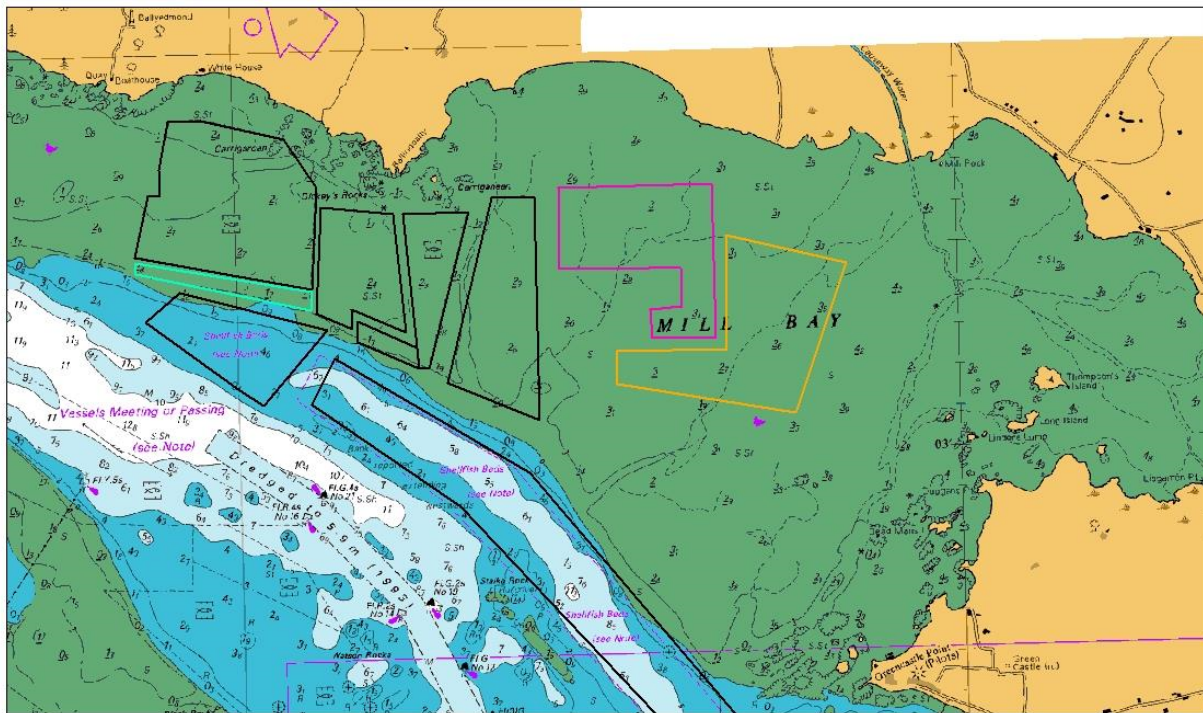


Application 3: Rooney Fish



Annex C – Final Charts and Coordinates

Combined sites



afbi
AQUACULTURE
& FISHERIES
INSTITUTE



- 2022_AFBI_adj_C2 Rooney Fish
- Adj_site_boundary_2022_A Patrick Carvill
- Adj_site_boundary_2022_B Darren Cunningham
- Aqua_MillBay_Jan2022 Existing sites

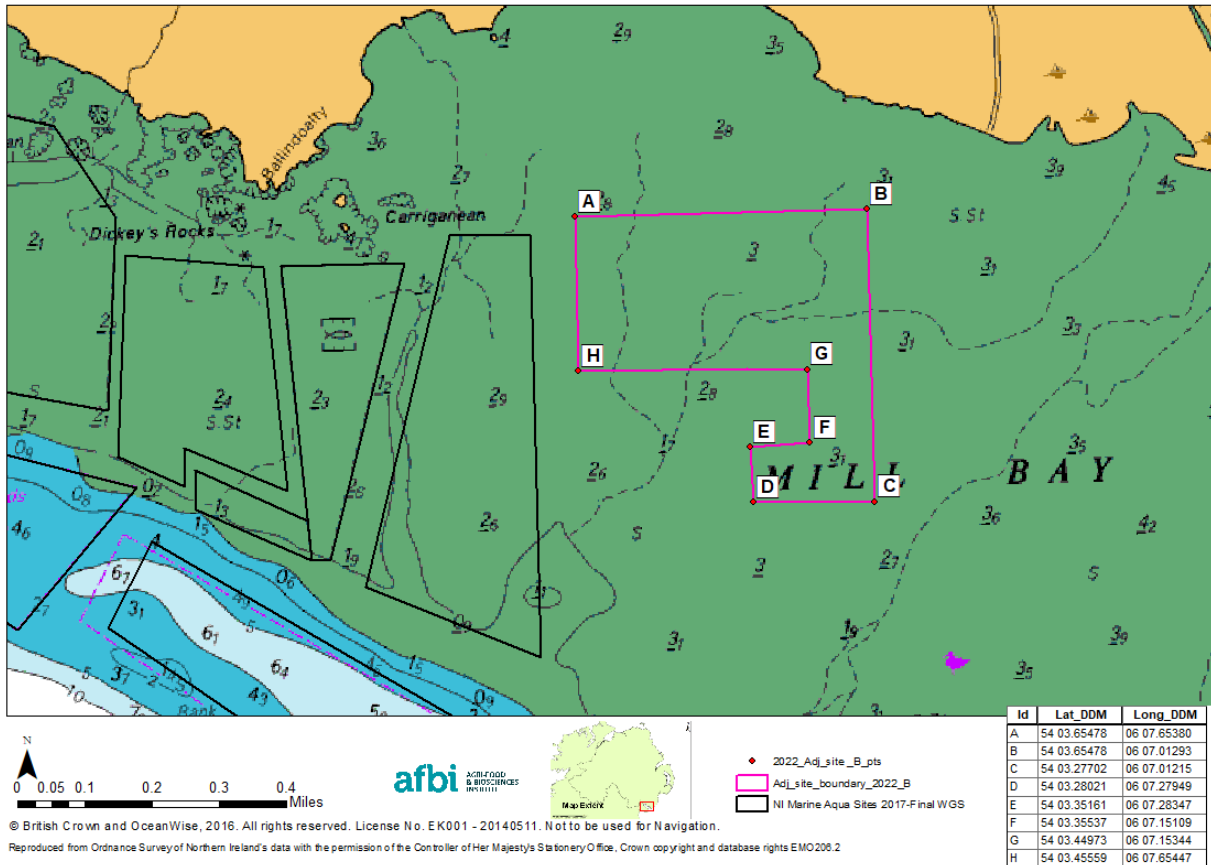
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 Reproduced from Ordnance Survey of Northern Ireland's data with the permission of the Controller of Her Majesty's Stationary Office. Crown copyright and database rights EMO206.2

Mr. Patrick Carvill – adjusted boundary

The coordinates for the final site are those as previously given for the south site.

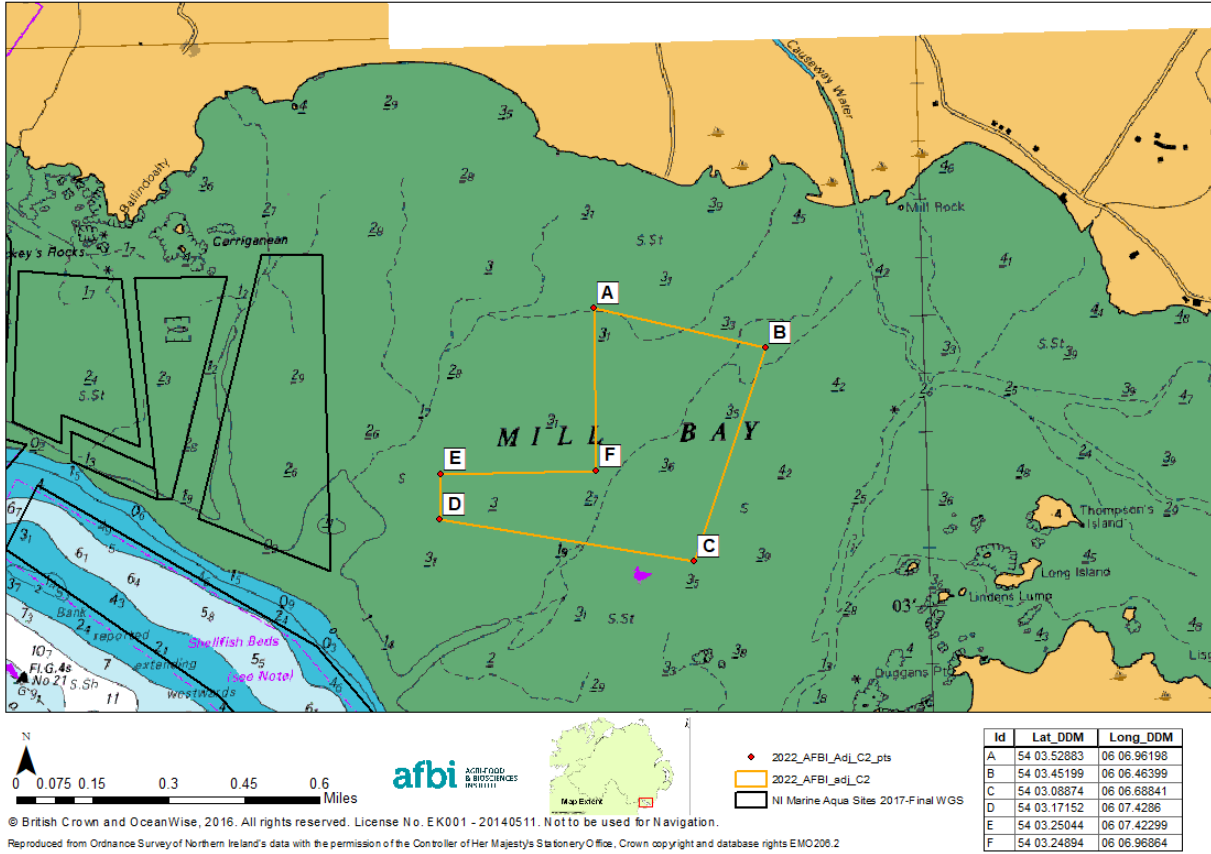
Id	Lat	Long
A	54 3.497N	6 9.417W
B	54 3.470N	6 9.419W
C	54 3.414N	6 9.689W
D	54 3.371N	6 9.694W

Mr Darren Cunningham – adjusted boundary



Id	Lat_DDM	Long_DDM
A	54 03.65478	06 07.65380
B	54 03.65478	06 07.01293
C	54 03.27702	06 07.01215
D	54 03.28021	06 07.27949
E	54 03.35161	06 07.28347
F	54 03.35537	06 07.15109
G	54 03.44973	06 07.15344
H	54 03.45559	06 07.65447

Rooney Fish – adjusted boundary



Id	Lat_DDM	Long_DDM
A	54 03.52883	06 06.96198
B	54 03.45199	06 06.46399
C	54 03.08874	06 06.68841
D	54 03.17152	06 07.4286
E	54 03.25044	06 07.42299
F	54 03.24894	06 06.96864

Annex D – Cumulative Impact Assessment

The final Cumulative Impact Assessment is available to view or download on the DAERA Website under “Publications” at [link].



**AGRI-FOOD
& BIOSCIENCES
INSTITUTE**

Mill Bay aquaculture
Cumulative Impact
Assessment
March 2023

Annex E – Consultation Questions

A full list of consultation questions is provided in this annex for your ease of reference only. Please provide your answers online through Citizen Space, if possible. To help us to process the responses quickly, please aim to keep your answers to the consultation questions as concise as possible.

Name:

Organisation:

Email:

Date:

Consultation:

Do you have objections to the applications?

Application 1: Mr. Patrick Carvill Yes No

Application 2: Mr. Darren Cunningham Yes No

Application 3: Rooney Fish Yes No

Under what legislation/regulations/policy do you have comments to make?

What specific objections do you have to application(s) and why?

Is there mitigation which you could recommend offsetting these objections? Please specify.

Are there any other potential impacts to protected sites or species?

Do you have a requirement for any further information to be forwarded to you?

Yes No

Please detail.

Any other comments

Do you consent for your response to be collated and published along with others, or otherwise disclosed in line with the Freedom of Information Act 2000 and the Environmental Information Regulations 2004?

Yes No

If you do not consent to this, you must explicitly request that your response be treated confidentially, detailing your reasons for this request. Any confidentiality disclaimer generated by your IT system in e-mail responses will not be treated as such a request.

Have you submitted supplementary information via email to AquacultureFishHealthPolicy@daera-ni-gov.uk?

Yes No

For further information:

Aquaculture and Fish Health Policy
Rathkeltair House
Market Street
Downpatrick
BT30 6AJ

Email: AquacultureFishHealthPolicy@daera-ni.gov.uk
www.daera-ni.gov.uk