

**AQUACULTURE LICENCES APPEALS BOARD**

**FISHERIES (AMENDMENT) ACT 1997 (AS AMENDED AND SUBSTITUTED)**

Appeals Reference Number: AP1/2016

**DETERMINATION**

**WHEREAS** an appeal dated 13 December 2016 having been made to the Aquaculture Licences Appeals Board ("the Board") pursuant to Section 40 of the Fisheries (Amendment) Act, 1997 (as amended) ("the Act") by Eamonn Caffrey ("the Appellant") against the decision of the Minister for Agriculture, Food and the Marine to refuse an Aquaculture (and accompanying foreshore licence) to Eamonn Caffrey of [redacted] on site reference T11/85 for the cultivation of pacific oysters using bags and trestles on a site on the foreshore at Drumcliff Bay, Co Sligo.

**AND WHEREAS** the Board in considering the appeal took account of the appeal file, the submission received from the Minister for Agriculture, Food and the Marine pursuant to section 44(2) of the Act, the, the submissions received from the Appellant and from the National Parks and Wildlife Service in response to requests for further information pursuant to section 47(1) (a) of the Act, the report of the Board's technical advisor and the matters set out at Section 61 of the Act including the following:

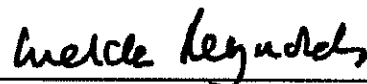
- (a) the suitability of the site in which the proposed aquaculture is to be carried out;
- (b) existing and other potential positive usages including tourism, fishing, angling, scuba diving and leisure craft activities;
- (c) the statutory status of the site;
- (d) the economic effects of the proposed aquaculture initiative;
- (e) the ecological impact of the proposed aquaculture initiative on wild fisheries, natural habitats, flora and fauna;
- (f) the general environmental effects; and,

(g) the implications for man-made heritage in the area of the proposed development.

The Board considered the appeal at its meetings on 10 January 2017, 9 February 2017 and 7 March 2017 and determined at its meeting on 7 March 2017, under Section 40(4)(a) of the Fisheries (Amendment) Act, 1997 (as amended) to UPHOLD the decision of the Minister for Agriculture, Food and the Marine on 11 November 2016 to refuse an aquaculture licence to the Appellant. This Determination is being made for the following reasons and considerations:

1. The proposed site on Ardtermon Strand, Drumcliff Bay is a new site without any history of aquaculture activity in the past;
2. The proposed site is located within Cummeen Strand/Drumcliff Bay (Sligo Bay) Special Area of Conservation (SAC) and in particular within Drumcliff Bay Special Protection Area for birds (SPA). The Special Conservation Interests of Drumcliff Bay SPA include non-breeding populations of Bar-tailed Godwit. The conservation objective for the barOtailed Godwit in Drumcliff Bay SPA is to maintain their favourable conservation condition, which is defined by there being stable or increasing long-term population trends and no significant decrease in numbers or range of areas used within Drumcliff Bay SPA.
3. Oyster cultivation at the proposed site would cause added disturbance in an area that is known to be an important foraging site for Bar-tailed Godwit.
4. It is not possible to definitively state that there will be no impact or in-combination effects on the population of Bar-tailed Godwit at the site as a consequence of the proposed activity.

Dated this 16 day of March, 2017



Imelda Reynolds

Chairperson

AQUACULTURE LICENCES APPEALS BOARD