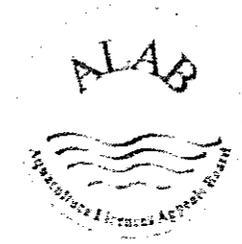


An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board



AP6/1/2017

Coiste Timpeallachta an Ghaoith f/c
Áislann Rann na Feirste

Site Ref: T12/461A

Appeal

Cúirt Choill Mhínsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

Guthán/Telephone: 057 8631912 R-phost/Email: info@alab.ie Láithreán Gréasáin/Website: www.alab.ie



Coiste Timpeallachta an Ghaoith,
Áislann Rann na Feirste,
Leitir Ceanainn,
Co. Dhún na nGall.
F94TV76

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Aquaculture Licences Appeals Board,
Kilminchy Court,
Dublin Road,
Portlaoise,
Co. Laois,
R32 DTW5

14 Samhain 2017.



A chara,

Please find enclosed 'Notice of Appeal Under Section 40 (1) Of Fisheries (Amendment) Act 1997 (No. 23) with cheque payment.

A copy will also be sent via E-mail.

Mise le meas

Aislinn Mac Ruidrí

Coiste Timpeallachta an Ghaoith

**NOTICE OF APPEAL UNDER SECTION 40(1) OF
FISHERIES (AMENDMENT) ACT 1997 (NO. 23)**

Name and address of appellant: Coiste Timpeallachta an Ghaoith, f/ch. Áislann Rann na Feirste, Rann na Feirste, Leitir Ceanainn, Co. Dhún na nGall.

Telephone: 074 95 62222 Fax:

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All correspondence to the Manager of Local Development Body:
Aodh Mac Ruairi, Bainisteoir Áislann Rann na Feirste



Subject matter of the appeal: Fisheries (Amendment) Act, 1997, (No. 23) Foreshore Act, 1933, (No.12) Notice of decision to grant Aquaculture and Foreshore Licences to Mr. Brendan Boyle, Braade Strand – Gweedore Bay(sic), as published in the Public Notices in the Donegal Democrat, 19 October 2017.

.....
Site Reference Number:-

T12/461 A

Appellant's particular interest

in the outcome of the appeal:

Appellant's live in the Rann na Feirste, Rann Mónadh, Carraig Fhinn and Bráid townlands on each side of the Braade -Gweedore Bay(sic). All appellants interested in this issue live in this area, east west and the north of the bay which is reflected in the membership of our committee. The overwhelmingly majority of us have lived here all our lives. We recognize that Foreshore is a very beautiful and important element of our everyday life. A significant recreational resource and a cultural & natural heritage repository.

Concerned were raised at a Public Meeting held in Áislann Rann na Feirste,(Ranafast Community Centre) on the 12 December 2016, over the issue of further Aquaculture and

Foreshore Licences for the bay. Sections of the the bay where there was no previous shellfish farming. Coiste Forbartha Rann na Feirste (Rann na Feirste Development Committee) agreed that a sub-committee would be formed to appeal new Aquaculture and Foreshore Licences. The committee was called *Coiste Timpeallachta an Ghaoith*.

Licence T12/461 is a further intensification in the development of shellfish farming in this bay.

As a committee, we appealed the decision of the Minister for Agriculture, Food and the Marine, 13 January 2017, to grant an Aquaculture and Foreshore Licence to Thierry Gillardeau & Desmond Moore, Celtic Kerber Ltd, Mr John Boyle and Mr Gary Boyle for the cultivation of Pacific Oysters using bags and trestles in Gweedore Bay.

The Aquaculture Licences Appeals Board reviewed these appeals and decided, in its letter, Ref: AP1-4/2017:

“due to the complexity of the matters”

it would take longer than anticipated to come to a determination on these appeals. It is a matter of deep concern to Coiste Timpeallachta an Ghaoith that the Department for Agriculture, Food and the Marine has approved another 10.36 acre licence for an area which is at present a matter of appeal, a process whose outcome has yet to be determined.

As your Department is aware, we have appealed the decision of the Minister for Agriculture, Food and the Marine, 13 January 2017, to grant an Aquaculture and Foreshore License to Thierry Gillardeau & Desmond Moore, Celtic Kerber Ltd, Mr. John Boyle and Mr. Gary Boyle for the cultivation of Pacific Oysters using bags and trestles in Gweedore Bay(sic).

In any other walk of life, such a decision would have been postponed until the process of appeal was complete. The decision to grant yet another 10.36 acre licence – T12/461 – for a site which is at the centre of the area, in which the surrounding licences are a matter of appeal, beggars belief and appears to flaunt due process. The Aquaculture Licences Appeals Board reviewed the appeals present to it and decided (Ref: AP1-4/2017) to postpone a decision:

“due to the complexity of the matters”.

The decision of the Department to grant yet another license to Mr. Breandan Boyle before a determination is made by the Licences Appeals Board does not inspire confidence in the process. It inevitably leads to the conclusion that the Department has arrived at its decision without considering the strong objections made, based on sound arguments about the scale of the expansion and environmental concerns, by the communities who live along these shores.

The cumulative effects of granting this licence, T12/461, will further escalate this expansion and seems to have totally ignored the public concern over this cumulative expansion.

On this account the committee wishes to appeal the decision to grant Aquaculture and Foreshore Licences to Mr. Brendan Boyle., Braade Strand – Gweedore Bay, Licence T12/461.

Outline the grounds of appeal (and, if necessary, on additional page(s) give full grounds of the appeal and the reasons, considerations and arguments on which they are based):

Scale and Visual Impact:

Not one person from the Rann na Feirste, Rann na Mónadh or the members of our committee from southern Carrickfinn side of the bay are involved in shellfish farming but it was quite clearly stated at the meeting that the Development Committee and the community at large supported the existing Aquaculture; as demonstrated by the committee not appealing any of the recent Aquaculture Licence Grant Renewals or Reviews in the bay by Mr Séamus Corbett and Mr. Éamonn Sweeney, T12/193A and B, Mr. James Bonner, T12/305A & B, Mr. John Boyle, T12/326A and Celtic Kerber, T12/365A, B, and C. Nor did the committee object to the permission for change of use of the old Mullaghduff Hall by the oyster farmers.

We know all the local people involved in shellfish farming currently, owners and employees. They all are fine people from our community. We have no personal grievance with them or their current shellfish farming projects. Our concern is with the alarming and cumulative expansion in scale of the new licenses.

We are alarmed with the new areas being developed for shellfish in this narrow and small bay, the vastly increasing scale of these operations in comparison to what existed, the lack of consultation by the shellfish farmers with the community about the scale and number of new sites. None of these developments would be in sympathy with the natural landscape or the inherited cultural landscape of Rann na Feirste, Rann na Mónadh, Southern Carrickfinn and the neighbouring vicinity.

The Rann na Feirste Development Committee organised a public meeting in Áislann Rann na Feirste on the 12th of December 2016. At that meeting, support for the existing Aquaculture was confirmed and agreed by the majority. This agreement was reached on the basis that the operation was concentrated in the central eastern part of the Braade – Gweedore Bay, an area which is much smaller in scale than the areas identified in the licences that were published in The Donegal Democrat, 15 December 2016 and this new licence, T12/461 is a further escalation on this expansion and seems have totally ignored

the public concern over this cumulative expansion. If the public were allowed to participate in the decision making process in a meaningful way and in accordance with the Aarhus Convention, this licence would not be granted.

According to public information, five new licenses were granted, which include ten separate sites that cover almost 109 acres. This represents a dramatic increase in scale, both in the number of sites licensed and the area covered by those sites. Prior to the granting of these licenses, we estimate that four shellfish sites operated in Braade – Gweedore Bay. The current licenses allows for a tripling of sites, from 4 to 14 and staggering increase in area, which is seven times larger previous developments.

It is a matter of concern that all the new licenses were granted without any community consultation, despite that fact that the Braade Strand Map produced by the Department Agriculture, Food and the Marine clearly indicates that the shellfish developments outlined in red/pink will become the prominent physical feature in our bay. There was disquiet with the lack of equitable consultation and sharing of information with other legitimate stakeholders in the community.

We will be asking you at the oral hearing to deal as a preliminary issue with the question whether the Minister was entitled to dispense with the making of an EIS in the circumstances that concern us, in light of failure of the Department to comply with the jurisprudence of C418/04 of the European Court of Justice and where the site was spread over a large area, where there were existing farms and the cumulative effect of the applications. We will also seek your ruling on whether or not the Convention referred to was complied with.

In a Special Area of Conservation this represents a significant expansion of the previous shellfish licenses awarded, a growth which is almost on an industrial scale for such a narrow channel. It will have a dramatic visual impact on the foreshore and detract from an area of outstanding natural beauty, which has been a natural resource for this

community for centuries. Its importance is clearly recorded in its literature and song and in many of the customary traditions associated with this foreshore.

A review of the scale of the proposed licenses is necessary if we are to retain this important natural resource.

The increase in scale will necessitate a move from linear narrow stripes of trestles along the tidal stream between Braade/ Carrickfinn and Rann na Feirste/ Rann na Mónadh to far larger blocks of steel trestles, which will have to be situated further away from the depression and low line of the tidal stream, to higher ground which will make the trestles far more visible to the communities living on both sides.

The T12/461 site present particular difficulties as in the *Determination of Aquaculture/ Foreshore Licensing: Sites T12/461*

To add insult to injury, the new 10.36 acre license being granted is sited directly under the homeplace of two of Ireland's greatest and most prolific Irish language authors: Seosamh Mac Grianna and Séamus Ó Grianna. One must ask if such a determination would have been made for Dollymount strand without recourse to full and adequate disclosure of information and a Licenses Appeals Board adjudication. Public concern appears to hold little sway and the appeals process itself is called into question by this determination. Further evidence of the lack of consultation with the main stakeholders, the local communities or the Irish cultural and linguistic groups.

We believe that the Department needs to review Ministerial Determination in relation to EIS requirements for an Aquaculture Licence application for the cultivation of shellfish Mr. Brendan Boyle, T12 461 in Braade Strand, Gweedore Bay, (sic), Co. Donegal:

1). We do not accept that the Minister had the right to dispense with the requirement of producing an Environmental Impact Statement as he did in this matter. From looking at the Department's file online we see that the Minister has made a similar ruling in other cases. In 2007 the European Court of Justice ruled that there was a requirement for a project specific assessment to satisfy the requirement of the Habitat Directive. This was the ruling of the Court in the case the European Commission -v- Ireland – Case Ref: C418/04. On the face of it the Minister seems to have done something that he has no power to do and he seems to have done it repeatedly.

2). You will appreciate that in the case of the decision made by the Minister to dispense with the need for an Environmental Impact Statement given that the public were not put on notice of the possibility of such a decision being made, they could not possibly participate in the decision making process in accordance with the Aarhus Convention. How can this be in the *Public Interest* as stated in his determination. How can it even be argued that the public participated in arriving at how this decision was made? If the Minister wants to make a decision on this file that requires the participation of the public he needs to put the public on notice of his intention to do that. They could then point out the deficiencies or benefits in such an approach and the Minister could reach a more informed decision.

3 The Aarhus Convention has fundamentally and indeed quite radically changed the way in which these applications are to be treated by bodies such as the Department and yourselves. Henceforth, the public must be allowed to participate in the process in a meaningful way to ensure informed decision making in a fair and transparent manner. Not only should you be copying us with all documentation pertaining to this matter but this documentation should be made available online or otherwise made available to the public.

4 Marian Harkin MEP has brought this matter to the attention of the European Commission and the failure of the Department to comply with the jurisprudence of C418/04 of the European Court of Justice seems to be well understood by the said Commission.

J) No effects anticipated on the man-made environment heritage of value in the area.

In the case of license for Site T12/461, we strongly disagree with the assertion that no effects are anticipated on the man-made environment heritage of value in the area and would question the criteria used to make this assessment. Proper engagement with local communities would have revealed quite a different story. The importance of the area to our own communities and the nation's cultural and maritime heritage is well attested. As noted by Ciara Breathnach in her work on the Congested Districts Board (2005) the

“... seaweed industry in the North West was much more significant than fisheries.”

From the 18th Century onwards, each family in the Rann na Feirste townland, and in neighbouring townlands had family plots on the foreshore from which they harvested seaweed as a soil improver. The plots are either square or rectangular and contain grids of rock in a variety of patterns. Each plot is separated by a path which roughly equates with the width of a cart. These “*man-made*” features are known as a *Srathóg* or *Srathógaí*. The fact that no English exists for these terms is testament to their uniqueness, although references to their existence and use, are to be found in the literature and oral culture of the area (*Nuair a bhí mé Óg*, Séamus Ó Grianna, (1942:154); *Srathóg Feamnaí agus Scéalta eile*, Pádraig Ó Baoighill, (2001). They are an important aspect of our material heritage and have existed practically undisturbed for over two hundred years. They are currently being destroyed to make room for steel trestles. This can be investigated in the review.

For our communities, the communal seaweed plots are defining feature of our foreshore, they speak to a history of communal activity and to the value of the natural resources that have been available from time immemorial to coastal communities. In the context of the European Union, there are very strong directives regarding heritage and “shared cultural

areas”(EC2005). These features are monuments to our past and deserve to be preserved and protected for future generations(Photograph 1: Srathóg – man -made environment).

Appropriateness of Ministerial Determination in relation to EIS requirements for an Aquaculture Licence application for the cultivation of shellfish by Mrs. Breandán Boyle (T12/461) in Braade Strand, Gweedore Bay, Co. Donegal.

We conclude that the Minister may not have been appraised of the full facts and that the outcome of his determinations in relation to EIS requirements, for the license by Brendan Boyle. (T12/461) in Braade Strand, Gweedore Bay, Co. Donegal, are not based on a full and accurate assessments.

The *Reasons and Considerations* of his determinations state:

d) the surrounding area is not densely populated.

This could not be further from the truth, on every side of the bay:

“The three parishes of Na Rosa, Gaoth Dobhair and Cloich Cheann Fhaola constitute the main centre of population of the Donegal Gaeltacht and with a population of just over 16,000, is considered to be the most rurally populated area in Europe;”

Source :<http://www.udaras.ie/en/an-ghacilge-an-ghaeltacht/an-ghaeltacht/dun-na-ngall/>

Total population of Rosses and Gweedore is 11983.

Rosses Population – 7260 Gweedore – 4723

Population of Rann na Feirste – 325 people live on 525 acres(The size of some Dairy Farms in Munster).

Link to census mapping

Source: <http://airo.maynoothuniversity.ie/external-content/donegal>

(this link breaks down population and housing stock)

These determinations and assessments are not appropriate for this community, none give any credence to these Irish Speaking communities and their unique coastal culture, not even the public notice in Irish or at least bilingual. They are generic determinations and that there has been no analysis or grasp that this a unique coastal community. Not a single mention of Gaeltacht or its unique culture, anywhere.

Scale and effects on water quality

Although, the applicant says that he knows of “No” water pollution issues, this is difficult to fathom.

As highlighted by An Roinn Tithíochta Pleanála agus Rialtas Áitiúil, in their *Updated Gweedore Bay Pollution(2012) Reduction Programme*:

“Monitoring on shellfish flesh for food hygiene purposes (2012) indicates faecal contamination in the shellfish area”.

The current Gaoth Dobhair Bay is” *Classification B*” as in the Determination of Aquaculture for these sites. There is also the very important issue of water quality in the bay. Will the present water quality be able to support the dramatically increased scale and should this effect the sanctioning of increased licenses for food producers or oyster farming. Oyster farmers have several interest groups whose demands must be satisfied and customers require high quality produce and increasingly consider environmental and ethical values when choosing a product. Environmental concern, sound environmental practices and image will reflect on the marketing of such products. The Environmental Protection Agency (EPA) in 2013, have already concluded that the Annagry Waste Water Treatment Plant was at an insufficient level of treatment, algal blooms are very evident

on calm days in the tidal stream between these oyster farming sites. The EPA's report stated:

Existing Treatment Plant

The plant is located to the west of the village beside the seashore. The town treatment plant comprises a horizontal flow-settling tank.

The purpose of any settlement tanks is to reduce the velocity of the incoming wastewater stream thereby allowing the settleable solids to fall to the bottom of the tank. Typically 50-70% of suspended solids are removed in these tanks. The efficiency of the tank is dependent on a number of factors ie; Type of solids present, design criteria and sludge withdrawal from the tank.

After primary treatment in the tank the treated effluent is discharged via a long sea outfall to Gweedore Estuary... ..

Proposals for future upgrade

Annagary is not listed on any development programme at present. The septic tank has a design capacity of 500 p.e. The present day PE equates to 473.

The treated effluent from the septic tank discharges to Gweedore Bay and Islands SAC and Gweedore Bay and Islands NHA. The existing septic tank serving Annagary provides an insufficient level of treatment to the waste water generated in the catchment. A new Waste Water treatment plant is required to provide, as a minimum, Secondary Treatment to the wastewater to cater for future development of the area and to comply with all European and local government directives.

Article 34 of the Common Fisheries Policy Regulation requires Member States to prepare multi-annual national strategic plans for aquaculture. *The National Strategic Plan for Sustainable Aquaculture Development(2015), states:*

The industry, supported by BIM and MI, should continue to develop environmentally sustainable fishing and aquaculture production methods to secure a sustainable resource base and to underpin the development of a smart,

green and clean image which contributes to the overall strategy for the food industry.

The applicant for this licence, states on his licence application form for T12/46, claims that there are "no" pollution issues.

An Roinn Tithíochta Pleanála agus Rialtas Áitiúil(2012) concur, outlining the Water Treatment Plant as a key risk:

" Analysis of the Characterisation Report for this designated shellfish water suggests that key pressure is on-site water treatment systems".

Economic Impact:

"The proposed aquaculture should have a positive effect on the economy of the local area", according to clause h) of each Determination of Aquaculture/ Foreshore Licensing concerning the five licenses that are the subject matter of this appeal. There is one job in question with this licence and at the moment it is questionable if this is an additional job. But consideration must be given to the negative impact which such a development may have on the local economy.

Donegal is widely regarded as an area of outstanding natural beauty and is renowned for its long picturesque coastline, and unspoilt natural habitats. 'The Beautiful Scenery' was the main reason cited by tourists for choosing to holiday in the county according to tourism studies. In one such study, 80% of respondents credited the 'Beautiful Scenery' as their primary reason for recommending the area. These figures therefore serve to highlight the significance of protecting and promoting the topography of the county in order to sustain and further develop the tourism sector here (*Fáilte Ireland, (2013) Holidaymaker Study 2013 – Donegal*).

Therefore it is important to note that scale of expansion on this narrow picturesque channel(as illustrated in diagram below), arising from four new licenses and nine new

sites will make the dramatic expansion of these shellfish trestles, the prominent physical feature of this bay.

We conclude that the Minister may not have been appraised of the full facts and that the outcome of his determinations in relation to EIS requirements, for the license by Mr. Brendan Boyle (T12/461) in Braade Strand, Gweedore Bay, Co. Donegal, are not based on a full and accurate assessments with regard to:

- a) **the nature and scale of the proposed aquaculture activity, (oysters in bags and trestles on large site covering 16.07ha) relative to the body of coastal water in which it is located**
- b) **the limited magnitude and extent of the direct impacts arising from the proposed aquaculture activity.**

Aquaculture management can impact negatively on lucrative recreational activities and amenities such as fishing, water sports and ecotourism to name a few. This favourable marine environment facilitates the use of the bay for any great number of leisure purposes, many of which have traditionally been enjoyed by locals and visitors to the area alike.

The tourism industry supports in excess of 29,000 jobs in the region and is responsible for attracting approximately 174,000 overseas visitors each year, while a further 500,000 domestic visitors come to Donegal to enjoy – amongst other things - our clean beaches and waterways(Donegal County Council, (2014), “DONEGAL’S TOURISM PRODUCT DEVELOPMENT.” Accessed October 03, 2016.

<http://www.donegalcoco.ie/business/developingourtourismsector/>).

The Donegal Gaeltacht is one of the largest of the Gaeltacht's in Ireland, boasting a vibrant young population. It remains a vital repository for one of the most distinguishing features of our culture, the Irish language.

This area has played a key role in the Irish language revival for well over a century, having attracted hundreds of thousands of Irish language learners over the years. The Summer College in Rann na Feirste is one of the largest in the county attracting 750 - 850 students annually to the townland and neighboring coastline vicinity. The colleges contribute an estimated €5million to the Donegal Gaeltacht economy, attracting students, parents and the wider family circle.

In Rann na Feirste in 2014, 719 students stayed in the townland. €103,569 was paid by Roinn na Gaeltachta and another estimated €210,000 was spent by students and parents (Source Roinn na Gaeltachta 2014). These students access the foreshore for guided walks in Irish and traditionally crossed the tidal ford at Bráid Fearsaid, at low tide, to access Carrickfinn Beach.

St. Mary's College, Belfast, the Irish Language Teacher training college, run three different week long courses in Rann na Feirste each year and guided walks to the foreshore are regular features of these courses. Queen's University and the University of Ulster, Jordanstown, also send Irish language students to Rann na Feirste.

The story of the foreshore has always played a significant part in delivery of these courses due to its centrality to local communities as evidenced in the numerous references to the area in literature, song and oral tradition. Much has been written about this local in the Irish language, it is estimated that just under a hundred books has been published since the 1940's about this local vicinity(*Source; Oidhreacht Rann na Feirste 1, Scéalalocht, Filíocht agus Amhránaíocht:1-2, le Pádraig Ó Baoighill(2011).*

Indeed, students from the University of New Mexico, Las Cruces, are to visit this coastal community in August 2017, to study this unique culture and landscape and a number

other universities have made enquiries. We realise we have something special and Áislann Rann na Feirste and the local community know that their niche market is the language. We are passionate about the language and we will make these ventures thrive.

In the presentation we give our American guests we often quote, the great American Novel, *Moby Dick* by Hermann Melville(1851):

It's not down on any map; true places never are.

The knowledge we have as a community, highly contrasts the knowledge that has been put together to make determinations about these licenses. Our knowledge of our coastline has been passed on orally and by tradition from generation to generation. There is often little documentary evidence of this process, it is embodied in our culture. The Irish language describes depth and shallowness of water different to English(more like Russian); it tells us about the weather from the colour of the seaweed; it describes the majestic track the dorsal fin of the salmon makes when travelling up our channel; it describes how the seatrout waits for the incoming tide and what we call that first movement they make; there is a name for the imprint the flatfish make in the sand; it tells us about the weaverfish and its deadly poison from its Irish name; it tells the mythology about the Great Northern Diver and the prophetic lonely cry of the curlew. There is a story about every headland, every lagoon and current in the channel. Every stone that is a marker for depth or that summons danger in their name and navigates people around the coast.

The foreshore is central to our historical cultural narrative. This is why university students visit our area. This is why the University of New Mexico's Geography and Linguistics Departments are interested in coming to visit us. They realise that much like the native peoples of New Mexico, that can read the desert, we can read the foreshore and tell its tales. We have something here that is not found anywhere else in the world. Cultural tourism will develop further with the hugely successful *Wild Atlantic Way*. This program has attracted large numbers of tourists to the natural scenery in areas such as

County Donegal. Aquaculture is a comparatively small contributor to Ireland's economy, in comparison to the more than EUR6.5 billion generated by tourism in 2014.

All our tours and guided walks have to be given at low tide so we can access the foreshore with students and adults alike. This is when the steel trestles of the oyster farms are most visible. We already encounter poor trestle husbandry, debris from ropes and fixtures, as shown in the pictures enclosed and items forwarded. Especially since we are east and north of these developments, due the prevailing winds from the west and southwest.

If these four new licenses and 10 new sites proceed this will be totally out of harmony with our cultural tourism projects.

Feda O Donnell Coaches, a travel company from Rann na Feirste, is the town's largest employer. They are contracted to bring 8,000 tourists from cruisers from Killybegs to various cultural locations in the county. Áislann Rann na Feirste are in advanced discussions with the operators to offer cultural tours and shows because they believe that we have a unique product and fantastic story to tell. Walking tours along the coast are a part of the itinerary planned for these tourists.

As a small village of 325 people, struggling with emigration and employment, we are on the cusp of change. We are benefitting from cultural tourism. We realise our people and our unique story and our landscape and especially our unspoilt foreshore are our greatest assets.

It may reasonably be argued, that the scale of expansion and the migration of some these new licenses to previously unspoilt foreshore will undoubtedly have a detrimental effect on our cultural tourism. If the licenses in question be allowed to go ahead, then such a situation would have profound implications on the locality's ability to sustain and to develop its existing Summer College/Third Level Education trade on which much

employment and local businesses depend and that ultimately, this would irrevocably damage the areas wider tourism brand.

Accordingly, and notwithstanding the very small number of full and part-time jobs which the applicant intends to create as a direct result of their application, the resulting job losses which would arise in both the tourism and hospitality industries would subsequently negate any potential job creation which the project may yield, and would ultimately result in significant employment loss to the area.

Environmental Impact:

Considering that the nature of the activities pertaining to the application are primarily marine based, the negative influences often associated with aqua-farming on the marine environment must not be overlooked in this instance.

The area in which this proposal is planned is a Special Area of Conservation (SAC), and any potential aquaculture or mari-culture activity must incorporate specific conditions as to accommodate Natura 2000 requirements.

Competition for phytoplankton through filter feeding

Research as early as 1991, documents that one of the greatest impacts of filter feeders such as oysters, is the loss of energy, in the form of phytoplankton from the ecosystem. J. Haure J. and JP Baud(1991), presented a paper, to *the International Conference, Aquaculture Europe*, Dublin,, outlining "*The competition between natural beds of mussels*" and oysters. Their paper showed that in the Bay of Bourgneuf, France, as the stock of oysters (*C.gigas*) increased, the natural population of mussels dropped dramatically during the same period. They concluded, that this was due to the trophic competition with oysters as they fed on approximately the same phytoplankton.

The licence, as proposed for site T12/461, is situated along the srathógai and where there was a healthy wild mussel population from An Bhainsigh to An Chionn Traígh to Gob

Rann na Mónadh and due north to Na Sileáin, areas all now proposed for new licences. The area mentioned, now erroneously referred to Braade Strand - Gweedore Bay(sic), have all seen their natural mussel beds disappear in recent years.

The tradition of harvesting these mussels in the community is well documented in Irish literature:

“ Cé a tháinig chugainn aniar ó Ghob na Báinseadh(directly adjacent to site T12/461) agus é ag gabháil a thógáil sligeán, ach Condaí Éamoinn”

An Teach nár Tógadh, Séamus Ó Grianna, (1948:62)

There are also references to mussel beds and their importance to the community in *Caisleáin Óir*, indeed its title based on floating mussel shells as a pastime, *Saol Corrach* and *Bean Ruadh de Dhálach* by Séamus Ó Grianna.

Locals can also testify to gathering mussels in these area of the foreshore to recent times. They also can concur, that unfortunately all the mussel beds in this area have disappeared since the present oyster farming started. The continuous and cumulative expansion of shellfish farming will only damage this fragile environment even more.

According to local fishermen, Periwinkles have also disappeared in this side of the bay and there has also been a dramatic decline in flatfish and sandeel numbers.

Bio –deposition and changes in topography and sedimentation

It is widely documented that oyster farming can have a detrimental effect on the marine environment including through the accumulation of waste from feed and faecal pellets, while aquaculture in general may result in changes to the benthic macro-fauna. The area in which licence T12/461 is proposed and where the other licences are proposed is known as an *Tráigh Bhán*(or as colloquially referred to in English as the White Strand), the existing farming has already changed this topography to grey. Bio-deposition and changes in topography and sedimentation has seen the changes in colour to dark grey where shellfish farms exist. If this 10 acre expansion and the other 100 acre plus

expansion occurs the bay will be black. The reason for such change is well documented, with the accumulation of faces and pseudo-faces under the oyster beds contributing to this topographical change (Newell RIE, Cornwell JC, Owens MS, 2004, Influence of simulated bivalve deposition and microphthobenthos on sediment nitrogen dynamics). The increase in organic and silt composition sediment beneath trestles, both organic and contaminants will also be a significant issues for this narrow bay, as outlined by by Martin JLM, Sornin JM, Marchand M,(1991) in their paper *The significance of oyster biodeposition in concentrating organic matter and contaminants in the sediment*.

Over-stocking in a small narrow Bay

Aquaculture stock may pose a threat to wild populations through a reduction in gene pool strength caused when escaping farm stock mate with wild species, something which can result in the transmission of diseases to wild stocks. Furthermore, in areas where aquaculture activity is prolific, this is likely to result in environmental degradation and may lead to poor aquaculture growth rates. Therefore, in bays where aquaculture is abundant, the marine environment is likely to suffer from 'over stocking'.

Waterfowl

Furthermore, the potential impact of intertidal oyster culture on water birds and the distribution of any birds which inhabit or depend on water bodies has become the subject of much study in recent years. Research carried out by the Marine Institute into the effects of oyster farming on marine and aquatic birds, has found that the assemblage variation and flocking behaviour of certain bird species is heavily affected by the presence of oyster trestles.

The study found that the species which tend to feed in large highly concentrated flocks, such as the Knot (*Calidris canutus*); Sanderling (*Calidris alba*); Dunlin (*Calidris alpina*); Blacktailed Godwit (*Limosa limosa*) and the Ringed Plover (*Charadrius hiaticula*), all demonstrated a negative response to the structures. The presence of trestles in the samples taken from the studied ordination space, directly interfered with the

flocking and territorial behaviour of the species, forcing individual birds to become dispersed across several lines of trestles.¹

It's notable that the species which displayed the strongest negative response to oyster trestles generally favour open mudflats/sandflats, such as those present at the proposed development site. Consequently, mixed sediment and rocky shore sites are often cited as the preferred locations for littoral zone oyster culture as such sites can minimise the potential harmful impact of oyster culture on birds inhabiting the marine environment. In this context, it can reasonably be argued that the area for which this licence is being sought would be most unsuitable for the installation of oyster trestles and harvesting equipment given the repercussions which such activities have on avifauna.

In 2014, BirdWatch Ireland and the Royal Society for the Protection of Birds (RSPB) worked to compile a updated list of bird species on the island of Ireland with each species classified into three separate headings (i.e., Red, Amber and Green), based on the conservation status of the bird and hence where conservation priority lies with respect to each.

This publication, entitled 'Birds of Conservation Concern in Ireland' (BoCCI) found that, of the above named species, the Dunlin (*Calidris alpina*) qualified for Red listing due to its extreme declining breeding and wintering populations, while both the Knot (*Calidris canutus*) and the Bar-tailed Godwit (*Limosa lapponica*) were given Amber status, owing to the birds' moderate declines in range and or abundance.² In the case of the Dunlin and Knot, coastal estuarine sites of muddy sands, such as those found at the proposed development, are recognised as important wintering sites for both species.

Gittings, T. & O'Donoghue, P.D. (2012). *The effects of intertidal oyster culture on the spatial distribution of waterbirds*. Report prepared for the Marine Institute. Atkins, Cork.

¹Gittings, T. & O'Donoghue, P.D. (2012). *The effects of intertidal oyster culture on the spatial distribution of waterbirds*. Report prepared for the Marine Institute. Atkins, Cork.

² Colhoun, K. and Cummins, S. (2014) *Birds of Conservation Concern in Ireland 2014–2019*.

We would like to request an oral hearing.

Fee enclosed: € 228.55 — €

(payable to the Aquaculture Licences Appeals Board in accordance with the Aquaculture Licensing Appeals (Fees) Regulations, 1998 (S.I. No. 449 of 1998))(See Note 2)

Signed by appellant: A. J. Mac Ríordáin Date: 14 November 2017
Coiste Timpeallachta an Ghaoith.

Note 1: This notice should be completed under each heading and duly signed by the appellant and be accompanied by such documents, particulars or information relating to the appeal as the appellant considers necessary or appropriate and specifies in the Notice.

Note 2: The fees payable are as follows:

Appeal by licence applicant.....	€380.92
Appeal by any other individual or organisation	€152.37
Request for an Oral Hearing (fee payable in addition to appeal fee)	€76.18

In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded. Environmental Issues