

AQUACULTURE LICENCES
APPEALS BOARD

25 FEB 2020

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Aquaculture Licences Appeals Board.

Anthony Mc Cafferty



17th February 2020

ALAB Ref: AP7 / 2020
Site Ref: T12 / 441B

Please find attached relevant documentation to support the granting of this licence and also to show contradictions in the reports and maps supplied to you from the appellant (Save Ballyness Bay S.A.C. Action Group).

The appellant has grouped all applications into the one appeal so there are certain points of that appeal that have no bearing on my application, eg. access routes to the west, corncrakes etc.

Ballyness Bay is designated as a Shellfish Production Area for oysters (CEC, 1991 & McGarrigale et al., 2002). For the last 30 years Ballyness Bay had oyster farming, with the last oyster licence expiring in 1999. Two of my licence sites are in the same location as this expired licence.

Ineffective Public Consultation / Notices / Language

The Minister for Agriculture, Food and the Marine dealt publicly with this point in the Dáil to a representative on behalf of the appellant. He clearly showed that all guidelines and regulations were adhered to in the process. A number of submissions had been received by the department within the timescale advertised in the newspaper, so it had been seen.

The advert was placed in the 'Donegal Democrat', which is the second most popular paper in Donegal and I would dispute the readership figures quoted by the appellant. The development of the Parish Community Centre was the biggest project to happen in the parish over the last 30 years and the planning notice was advertised in this same paper on 20th April 2016.

The appellant has stated that a large section of the local population would not have been confident in reading or understanding the formal English notices in the media. However, as a native Irish speaker I would believe the opposite to be true, as we may be fluent in conversing in our native Irish language we would not be familiar with most of the technical terms in Irish

Access – New Route

Since my initial licence application (August 2011) I have specified county road **L50332** as my access route and have not been subject to a new route being proposed as made out by the appellant. I wish to state that Appendix 2 of the appellants report is incorrect. It shows a **map of the access route**, but the access is not from county road **L50332** but from another road, **L50331** some 550 meters East. I have supplied a map with the correct access route for my application from county road **L50332**. *[Map 1]*

Disruption of Otter Population

From various studies and reports carried out there will be no or minimal impact to otters. A recent government study based on Lough Swilly, Co. Donegal states :

Otters will likely forage in and around trestles at high water. The structures are such that the risk of entanglement and capture is minimal. Given that otter foraging is primarily crepuscular the interaction with oyster culture operators is likely to be minimal. It is unlikely that oyster culture poses a risk to otter populations in Lough Swilly. Impacts on otters can be discounted.

Source:

<https://www.agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/appropriateassessments/AAScreeningMatrixT12462060614.pdf>

The appellant states that no access routes to 441B and 441C have been displayed, but it clearly shows on the application the access route which is accessed via 441A. [Map 2]

Seals

My application T12/441D was refused based on the seals at Seal haul-out 1, Appendix 8 of the appellants report, so the department have dealt with this haul-out site. The appellant states there are at least eight such sites, Appendix 8 includes a map with sites 1-8 and photographic evidence of each site. From this map the sites that apply to me are 5, 6 and 7.

Sites 6 and 7 are incorrect and are actually Site 1 from difference angles. GPS locations have been placed onto the appellants original evidence and it clearly shows that Site 1 is the picture used and incorrectly labelled as new sites 6 and 7. There is no evidence submitted for Site 5 and there is no other evidence of Site 5 ever being used as a haul-out site. I have attached evidence to show Sites 6 and 7 being incorrectly labelled new haul-out sites. [Map 3/4] - [Map 5/6]

Public Access

There will be no interruption or inconvenience to public access regarding my site. The site will be accessed from county road **L50332** [Map 1], so it is incorrect for the appellant to state "serious inconvenience being caused to those in the community..." especially when the appellant supplies a map showing the incorrect access route from **L50331**. The access route (Appendix 2) supplied to you by the appellant is the incorrect road as explained above in paragraph *Access – New Route*, so their points about inconvenience, etc.. applies to a different road. This **L50332** road which I will be using is never used by locals or tourists to access the beach, the main access to the beach, pier, car park, toilets etc is via the Pier Road **L1133**, which is nearly 1km West.

Fishing Activity

The appellant claims that 5 individual proprietors and predecessors have been paying rates for upward of forty years, but all that is produced is an invoice from Inland Fisheries dating back ten years and showing no monies having been paid over these years. For all the years I can remember no fishing activity has taken place in this bay.

Reproduction of Non-Native Triploid Oysters

The appellant states that evidence is produced to show the reproduction of Triploid Pacific oysters. This evidence is referenced in: '*AP2/2018 - Lough Swilly Wild Oyster Society Ltd Appeal*'

This **AP2/2018** appeal includes a study from *SIMBIOSYS: Sectoral Impacts on Biodiversity and Ecosystem Services* which is based on Diploid Pacific oysters and **NOT** Triploid Pacific oysters. The study concludes with the following (page 35):

Recommendations for Decision-makers

Risk of spread of Pacific oysters from aquaculture could be greatly reduced by the use of triploid oysters. This approach has already been adopted by many farmers and presents a win-win solution as triploid oysters also grow faster than diploids.

Other sources of evidence from the appellant are:

Into the Wild: Documenting and Predicting the Spread of Pacific Oysters in Ireland, Kockmann

Annex 16: "Dynamics of Environmental Sustainability", Patrick Bresnihan

Again, both of these sources are based on Diploid oysters in discussions of reproduction. All studies have shown that Triploid pacific oysters are functionally sterile and don't spawn so they cannot re-produce. For my licence and on the basis of appropriate assessment only Triploid oyster seed will be licensed for use in Ballyness Bay, with the source of seed being approved by the Department in advance.

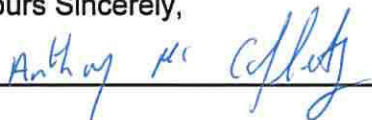
Conclusion

You are lead to believe from the appellant that the whole community is against these licences and a major outcry because they will destroy and pollute the area. They have gone so far as to submit incorrect documents to you.

People are glad to see jobs being created and our natural resources being used by the introduction of these new licences. I have lived here all my life and the last thing I am going to do is ruin my own homeland. I believe in the current climate that this licence will have a positive effect regarding employment and a natural grown food source yet will not have a negative impact on the bay or those using it.

Oyster farming has been going ongoing in Ballyness Bay for years and has had no negative impact on the bay in regards to pollution, reproduction, access or restricting use of the bay. From the assessment by the department, the granting of my licence with not have any of these negative effects either.

Yours Sincerely,



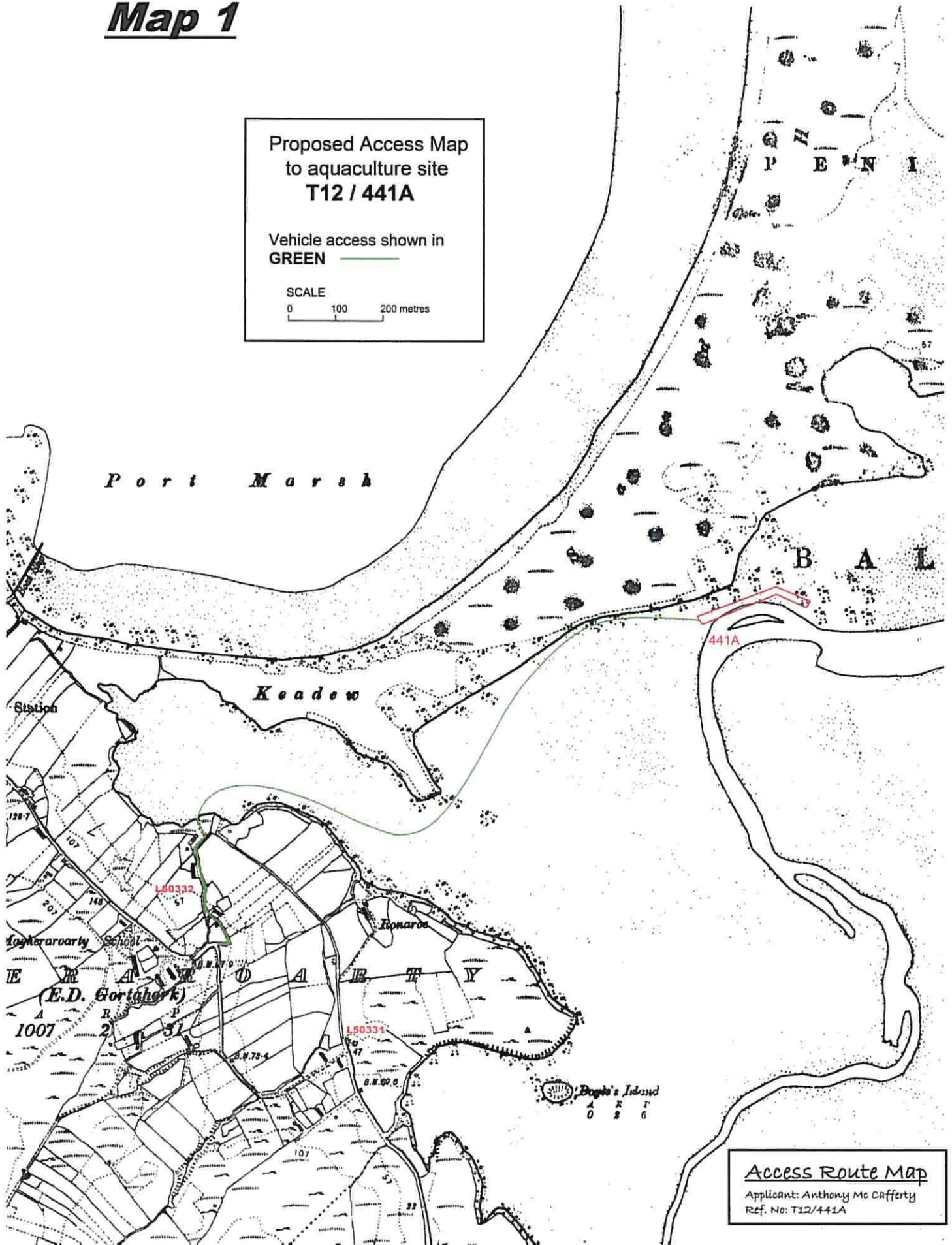
Anthony Mc Cafferty

Map 1

Proposed Access Map
to aquaculture site
T12 / 441A

Vehicle access shown in
GREEN

SCALE
0 100 200 metres

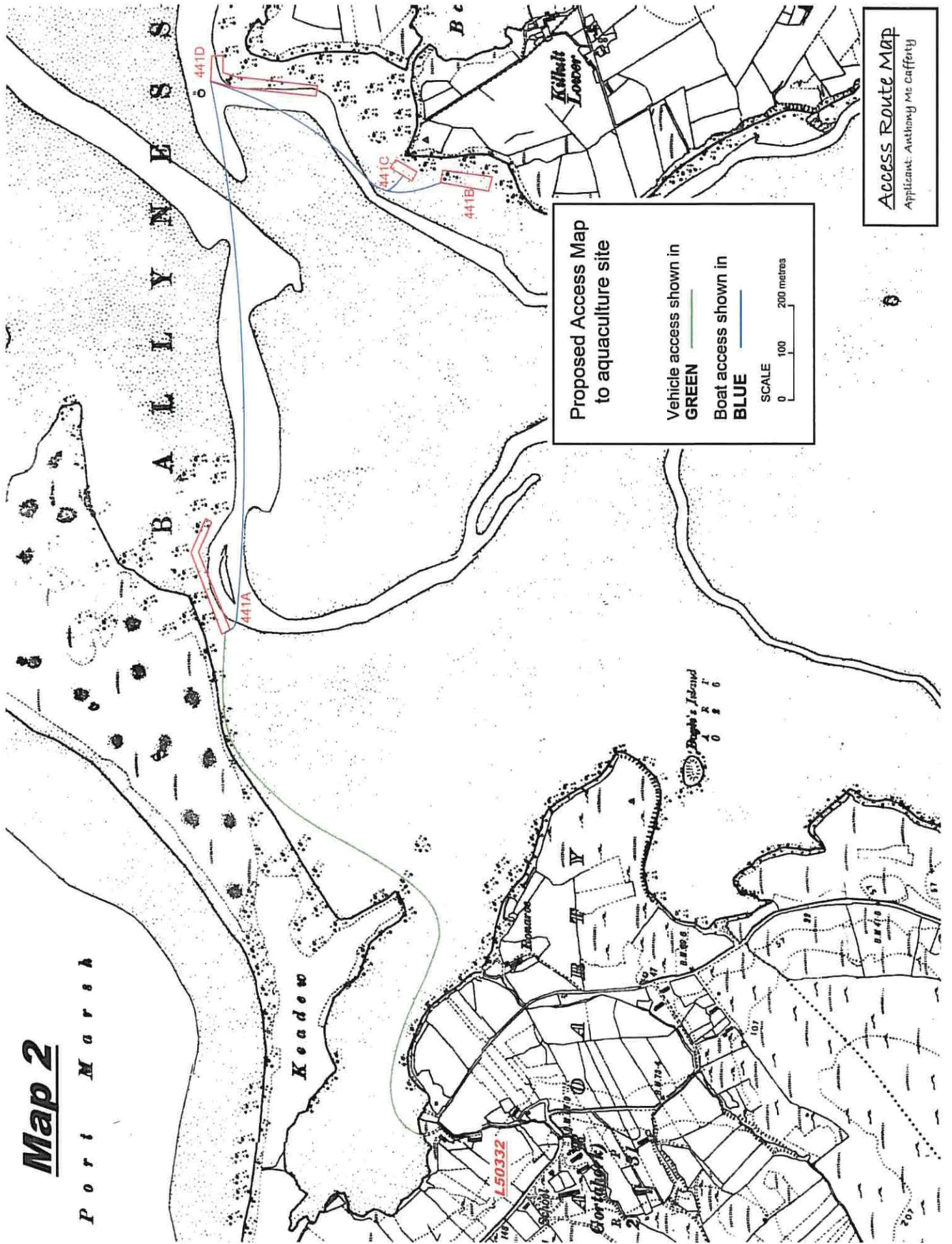


Access Route Map

Applicant: Anthony Mc Cafferty
Ref. No: T12/441A

Map 2

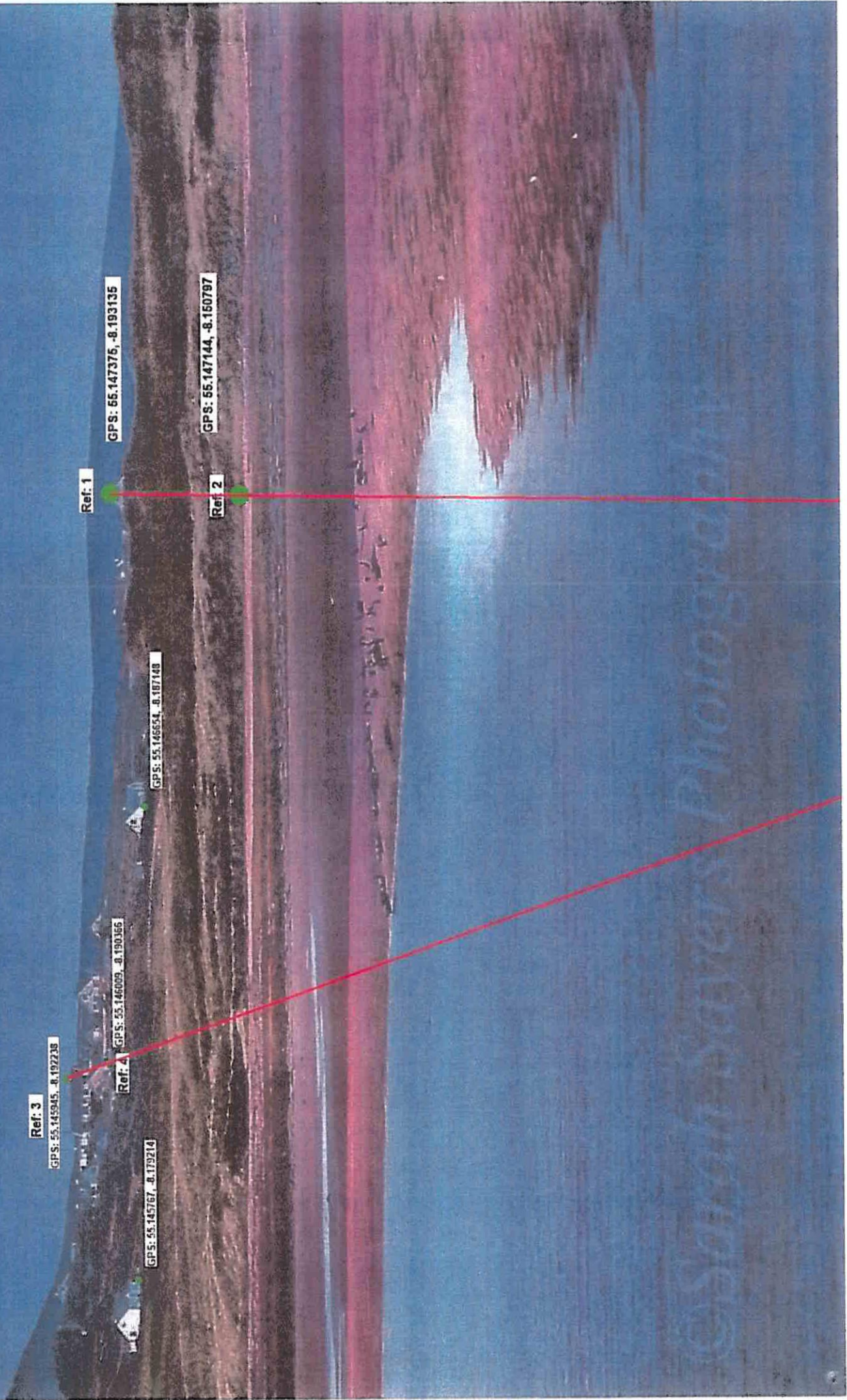
Port Marsh



Access Route Map
Applicant: Anthony Mc Cafferty

Seal haul-out site 6
Dumhaigh side

Map 3 - Site 6



Map 4 - Site 6



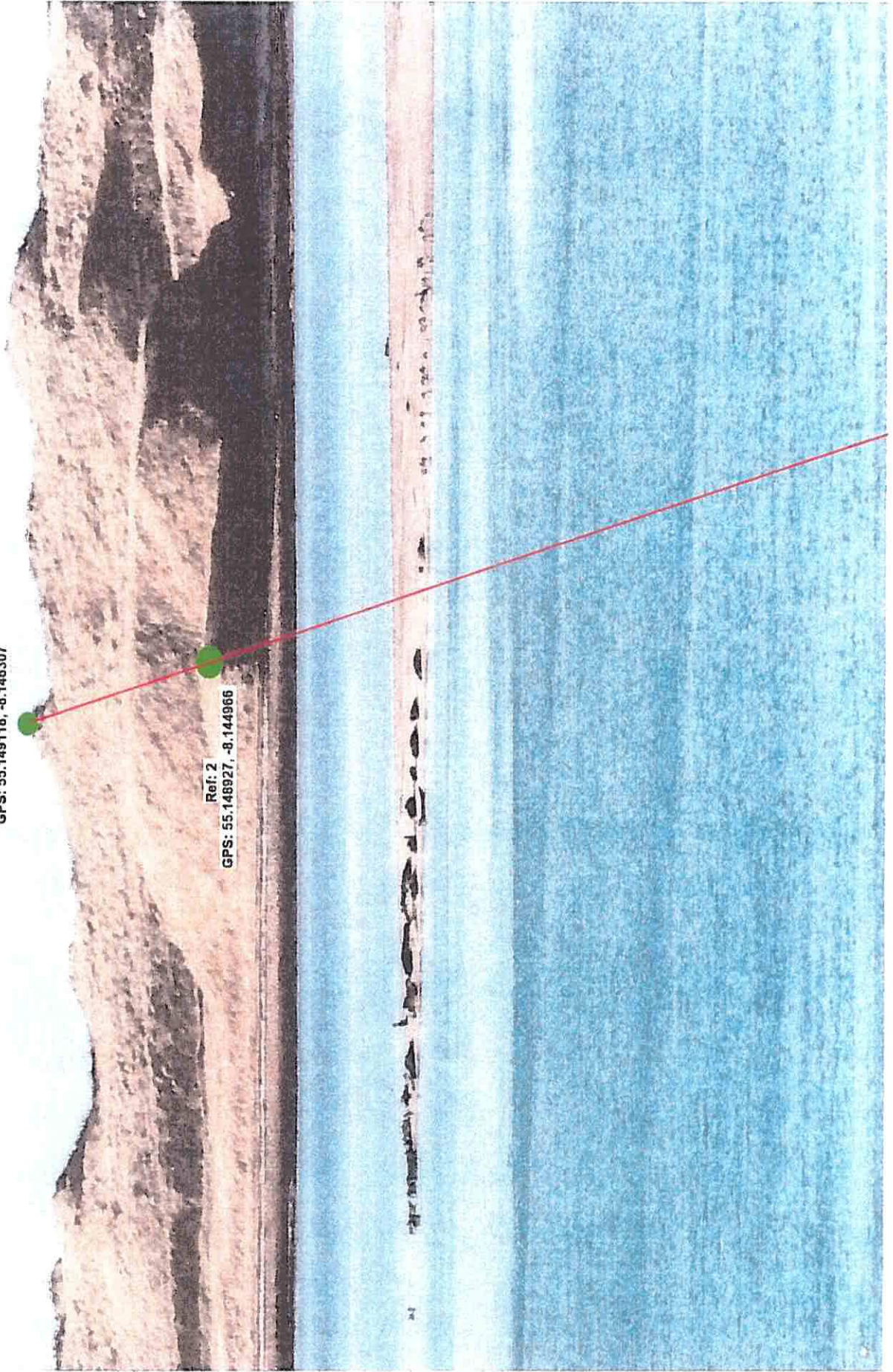
Using GPS reference points (1&2) along with (3&4) taken from the appellants original photographic evidence (map 3) it clearly shows the picture used as evidence was not taken of site 6 as we are lead to believe. Site 6 does not exist as a seal haul-out, Site 1 was used as photographic evidence and incorrectly labelled as new haul-out site 6.

Map 5 - Site 7

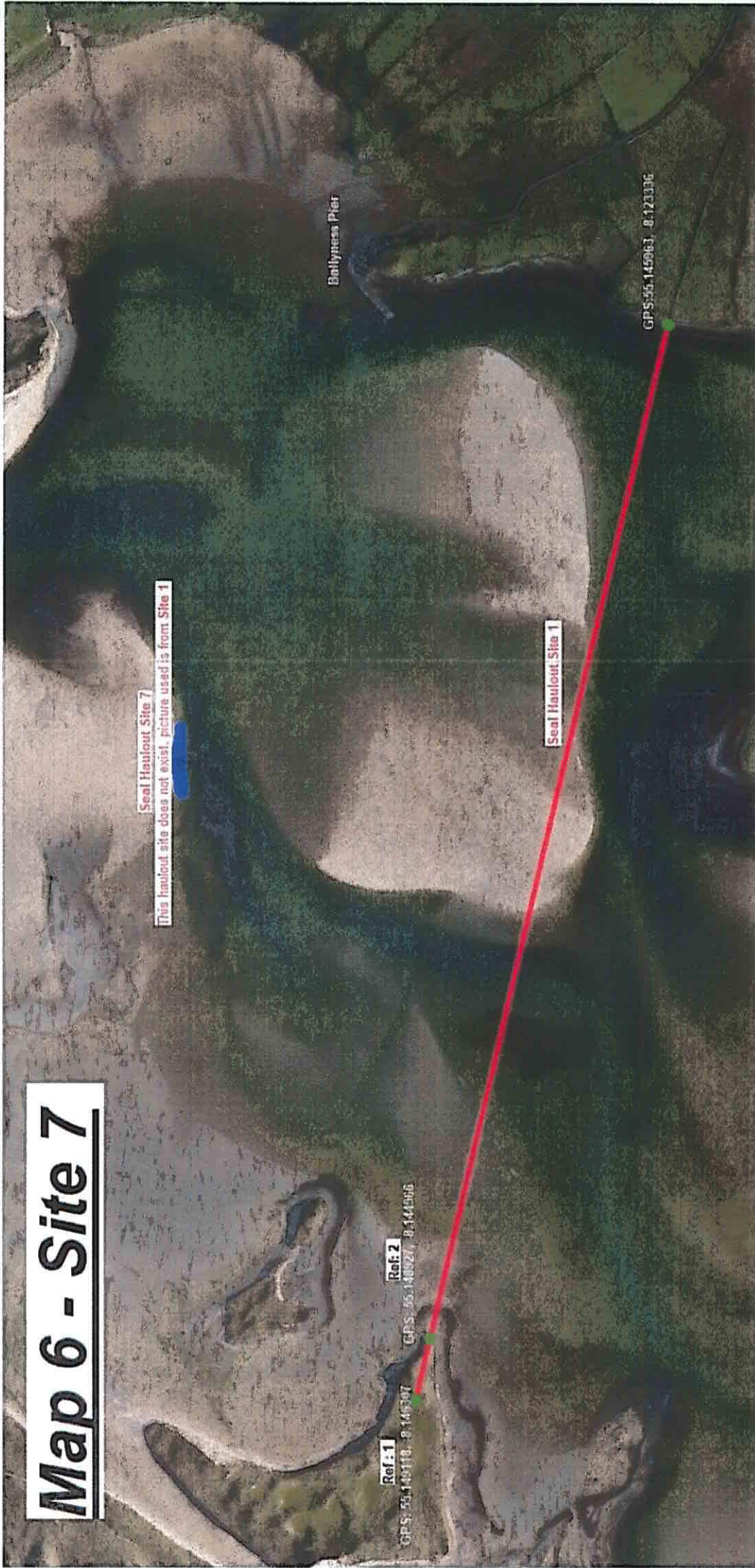
al haul-out site 7
agheroarty side

Ref: 1
GPS: 55.149118, -8.146307

Ref: 2
GPS: 55.148927, -8.144966



Map 6 - Site 7



Using GPS reference points (Ref 1 & Ref 2) taken from the appellants original photographic evidence (map 5) it clearly shows the picture used as evidence was not taken of site 7 as we are lead to believe. Site 7 does not exist as a seal haul-out, Site 1 was used as photographic evidence and incorrectly labelled as new haul-out site 7.