

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



Appeal Form

**Please note that this form will only be accepted by REGISTERED POST
or handed in to the ALAB offices**

Name of Appellant (block letters)	FALCARRAGH TOURISTS AND TRADERS ASSOCIATION		
Address of Appellant	Falcarragh , Letterkenny, Co. Donegal.		
Secretary:	Mr. Eamonn Shields,		
	[REDACTED]		
	[REDACTED]		
	[REDACTED]		
Phone:		Email:	
Mobile:		Fax:	

Fees

Fees must be received by the closing date for receipt of appeals	Amount	Tick
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) * In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded.	€76.18	
(Cheques Payable to the Aquaculture Licences Appeals Board in accordance with the Aquaculture Licensing Appeals (Fees) Regulations, 1998 (S.I. No. 449 of 1998))		
Electronic Funds Transfer Details	IBAN: IE89AIBK93104704051067	BIC: AIBKIE2D

Subject Matter of the Appeal

The determination to the granting of Licence No T12/510 for aquaculture in Ballyness bay to Tullyshellfish Ltd.

**AQUACULTURE LICENCES
APPEALS BOARD**

2 JAN 2020

RECEIVED



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Site Reference Number:- (as allocated by the Department of Agriculture, Food and the Marine)	
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Appellant's particular interest in the outcome of the appeal:

Falcarragh Tourists and Traders Association is the body representing the employers in the district. Its role is to promote the economic development of the area, to consolidate existing levels of employment and to foster the development of new businesses and more jobs. For many years past this rural community has been neglected by successive governments in planning and providing for secure local employment. It has been an area where emigration has been the only prospect for many.

The core strategy of the Association is to work to achieve sustainable employment locally. It has aimed to do that by focussing on the potential of eco-tourism as a sustainable basis for economic growth. This strategy is founded on our greatest asset, namely, our superb and renowned pristine local environment. The Wild Atlantic Way project has given a huge boost to the Association's efforts and the the keystone to continued growth is the preservation and enhancement of unspoiled natural environment in this area.

The proposal to use Ballyness bay for industrial shellfish production strikes at the heart of all we are trying to achieve.

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):

Specifically, site T12/510 is to be located immediately adjacent to Ballyness Pier. It is to be located within 50 metres of the most used access point to the Falcarragh end of

Ballyness bay for visitors and locals alike. The T12/510 site is without doubt the most viually obtrusive site of all those proposed for licensing in Ballyness bay.

This area affords stunningly beautiful views of the bay and its wildlife and it is a magnet for tourists. The imposition of an industrial development on this location would be barbaric and could only be contemplated by someone who either has no knowledge or understanding of the area or is totally devoid of aesthetic sensibility.

It certainly could not be contemplated by anyone who has the slightest understanding of, or concern for, the core importance of eco-tourism to the livelihoods of so many in the local community.

Earlier this year, the Association conducted a survey of local employers which showed that, of the 378 regular jobs locally, 214 are directly dependent on income from tourism. Ballyness Bay, near the village of Falcarragh, is one of the main tourist attractions in this area.

Accommodation providers acknowledge that the holiday season has lengthened with the Wild Atlantic Way initiative. Heretofore the main holiday season was from the 12th July to the end of August, now those in the local holiday market say the busy season is from May to October with a vast increase in overseas visitors wanting to enjoy our pristine, unspoiled beaches. As employers, we know from our experience of dealing with visitors and from our own evidence, that what draws people from all over the world to our small community is the opportunity to experience and enjoy, in a myriad of ways – walking, bird watching, seal and otter spotting, botany, fishing, surfing, kayaking, wind surfing and more - our unspoiled natural environment.

It is clear that the Appropriate Assessment and the Final Appropriate Assessment Conclusion Statement reports prepared for the Minister were lacking in both relevant detail and depth of investigation of the effects that the granting this licence would have on the wider local community.

The Minister has consequently been misled and did not have available to him the information necessary to make a proper judgement in the matter. In his determination to grant a licence for site T12/510, the Minister states: “The proposed development should have a positive effect on the economy of the local area.” He offers no evidence to support this assertion.

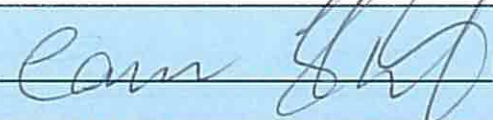
The minister shows no evidence of any cost benefit analysis having been carried out to weigh the **perceived** benefits of the aquaculture against the inevitable adverse impact on local tourism related jobs. This severely disadvantaged community can ill afford to lose jobs.

He has been singularly ill-advised on the issue and his decision flies in the face of the facts. Tullyshellfish Ltd. state that their operation of site T12/510 will generate 1 full time and 1 part-time job. This comes at the risk of undermining the 214 jobs detailed above and additional

to that, the despoilment of the environment with all it's implications for future of the Ballyness Bay SAC and SPA.

This could have been avoided had the local community been properly consulted. The Consultation process adopted by the Government failed to adequately inform both ourselves and the rest of the local community. We employers knew nothing of these devastating proposals for Ballyness bay until the decision making process was well advanced. Had we been aware, we can assure you that we would have made very clear to the Minister the sense of outrage we share with the whole community at this ill conceived scheme.

In the light of the above, we ask the Appeals Board to overturn this decision to grant an aquaculture licence to T12/510 Tullyshellfish Ltd., as it poses such an existential threat to the economic wellbeing of the local community. In the light of the Minister's manifest failure to properly consult the affected community, we ask for an oral hearing of this appeal.

Signed by appellant:  Date: 30/12/2019

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Fees must be received by the closing date for receipt of appeals

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.

Please forward completed form to: Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co. Laois. Tel: (057) 8631912 Email: info@alab.ie

Extracts from Act

40.—(1) A person aggrieved by a decision of the Minister on an application for an aquaculture licence or by the revocation or amendment of an aquaculture licence may, before the expiration of a period of one month beginning on the date of publication in accordance with this Act of that decision, or the notification to the person of the revocation or amendment, appeal to the Board against the decision, revocation or amendment, by serving on the Board a notice of appeal.

(2) A notice of appeal shall be served—

(a) by sending it by **registered post** to the Board,

(b) by **leaving it at the office of the Board**, during normal office hours, with a person who is apparently an employee of the Board, or

(c) by such other means as may be prescribed.

(3) The Board shall not consider an appeal notice of which is received by it later than the expiration of the period referred to in subsection (1)

41.—(1) For an appeal under *section 40* to be valid, the notice of appeal shall—

(a) be in writing,

(b) state the name and address of the appellant,

(c) state the subject matter of the appeal,

(d) state the appellant's particular interest in the outcome of the appeal,

(e) state in full the grounds of the appeal and the reasons, considerations and arguments on which they are based, and

(f) **be accompanied by such fee**, if any, as may be payable in respect of such an appeal in accordance with regulations under *section 63*, and

shall be accompanied by such documents, particulars or other information relating to the appeal as the appellant considers necessary or appropriate.