

## An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



Mr. Charlie McConalogue TD  
Minister for Agriculture, Food and the Marine  
Agriculture House  
Kildare Street  
Dublin 2

25 November 2022

Our Ref: AP6/1/2018  
Site Ref: T06/590A

**Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture Licence to Dunmanus Bay Mussels Ltd., for the cultivation of Mussels using longlines and ropes at outer Dunmanus Bay, Co. Cork on Site T05/590A**

Dear Minister

I refer to the Notice of Appeal regarding the above decision of the Minister for Agriculture, Food and the Marine.

The Aquaculture Licences Appeals Board (“**the Board**”) has concluded its determination of the above Appeal and has determined, pursuant to Section 40 (4) (b) of the Act, to **ANNUL** the decision of the Minister and to **REFUSE** an Aquaculture Licence to the Applicant for Site T05/590A.

The Board has determined the appeal on the grounds that:

- (a) The Board finds that the evidence presented in the AQUAFAC Report, along with the findings of the MERC Report do not allow them to rule out potential negative environmental and ecological impacts at, and adjacent to the Site. Due to the potential negative impacts of the proposed development on the sensitive species recorded in the vicinity of the Site, the Board finds that **the Site is not suitable for the proposed development.**
- (b) The Board found that the AA screenings carried out did not consider all the relevant SPA sites and the Special Protected Interest species which could be potentially impacted by the proposed development. Therefore, the Board finds that **the potential for significant negative impacts on Natura 2000 sites and species has not been ruled out at this time.**

- (c) The Board finds that the evidence presented in the AQUAFAC Report, and the findings of the MERC Report do not allow them to rule out potential negative environmental and ecological impacts at, and adjacent to the Site. Therefore, the Board finds that **there is potential for significant ecological and environmental impacts on the area if the proposed development was to proceed.**

The reasons for the Board's determination are set out in detail in the Determination dated **25 November 2022**, a copy of which is enclosed with this letter.

A copy of the Board's Technical Advisor's report referred to in the Determination is available on the ALAB website.

A person may question the validity of this decision by way of an application for judicial review under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986) in accordance with section 73 of the Fisheries (Amendment) Act 1997 (No. 23). Further information on the judicial review mechanism can be obtained from the Citizen's Information Board at <http://www.citizensinformation.ie>.

Yours sincerely



Margaret Carton  
Secretary to the Board

## An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



Angela Putz, Robert Putz, Angela Putz Jr.  
Anna Putz and Cashelfean Developments Ltd  
c/o Fieldfisher Solicitors  
The Capel Building  
Mary's Abbey  
Dublin 7  
D07 N4C6

25 November 2022

Our Ref: AP6/1/2018  
Site Ref: T06/590A

**Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture Licence to Dunmanus Bay Mussels Ltd., for the cultivation of Mussels using longlines and ropes at outer Dunmanus Bay, Co. Cork on Site T05/590A**

Dear Appellants

I refer to the Notice of Appeal regarding the above decision of the Minister for Agriculture, Food and the Marine.

The Aquaculture Licences Appeals Board ("**the Board**") has concluded its determination of the above Appeal and has determined, pursuant to Section 40 (4) (b) of the Act, to **ANNUL** the decision of the Minister and to **REFUSE** an Aquaculture Licence to the Applicant for Site T05/590A.

The Board has determined the appeal on the grounds that:

- (a) The Board finds that the evidence presented in the AQUAFAC Report, along with the findings of the MERC Report do not allow them to rule out potential negative environmental and ecological impacts at, and adjacent to the Site. Due to the potential negative impacts of the proposed development on the sensitive species recorded in the vicinity of the Site, the Board finds that **the Site is not suitable for the proposed development.**
- (b) The Board found that the AA screenings carried out did not consider all the relevant SPA sites and the Special Protected Interest species which could be potentially impacted by the proposed development. Therefore, the Board finds that **the potential for significant negative impacts on Natura 2000 sites and species has not been ruled out at this time.**

- (c) The Board finds that the evidence presented in the AQUAFAC Report, and the findings of the MERC Report do not allow them to rule out potential negative environmental and ecological impacts at, and adjacent to the Site. Therefore, the Board finds that **there is potential for significant ecological and environmental impacts on the area if the proposed development was to proceed.**

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Yours sincerely



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Margaret Carton  
Secretary to the Board

## An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



Dunmanus Bay Mussels Ltd  
Dromduff  
West Bantry  
Co Cork

25 November 2022

Our Ref: AP6/1/2018  
Site Ref: T06/590A

**Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture Licence to Dunmanus Bay Mussels Ltd., for the cultivation of Mussels using longlines and ropes at outer Dunmanus Bay, Co. Cork on Site T05/590A**

To whom it may concern

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The Board has determined the appeal on the grounds that:

- (a) The Board finds that the evidence presented in the AQUAFAC Report, along with the findings of the MERC Report do not allow them to rule out potential negative environmental and ecological impacts at, and adjacent to the Site. Due to the potential negative impacts of the proposed development on the sensitive species recorded in the vicinity of the Site, the Board finds that **the Site is not suitable for the proposed development.**
- (b) The Board found that the AA screenings carried out did not consider all the relevant SPA sites and the Special Protected Interest species which could be potentially impacted by the proposed development. Therefore, the Board finds that **the potential for significant negative impacts on Natura 2000 sites and species has not been ruled out at this time.**

- (c) The Board finds that the evidence presented in the AQUAFAC Report, and the findings of the MERC Report do not allow them to rule out potential negative environmental and ecological impacts at, and adjacent to the Site. Therefore, the Board finds that **there is potential for significant ecological and environmental impacts on the area if the proposed development was to proceed.**

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Yours sincerely



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Secretary to the Board

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Mr Charlie McConalogue TD  
Minister for Agriculture, Food and the Marine  
Agriculture House  
Kildare Street  
Dublin 2

25 November 2022

Our Ref: AP6/2/2018  
Site Ref: T06/590A

**Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture Licence to Dunmanus Bay Mussels Ltd., for the cultivation of Mussels using longlines and ropes at outer Dunmanus Bay, Co. Cork on Site T05/590A**

Dear Minister

I refer to the Notice of Appeal regarding the above decision of the Minister for Agriculture, Food and the Marine.

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The Board has determined the appeal on the grounds that:

- (a) The Board finds that the evidence presented in the AQUAFAC Report, along with the findings of the MERC Report do not allow them to rule out potential negative environmental and ecological impacts at, and adjacent to the Site. Due to the potential negative impacts of the proposed development on the sensitive species recorded in the vicinity of the Site, the Board finds that **the Site is not suitable for the proposed development.**
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**potential for significant ecological and environmental impacts on the area if the proposed development was to proceed.**

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Yours sincerely,



Margaret Carton  
Secretary to the Board



**An Bord Achomharc Um Cheadúnais Dobharshaothraithe  
Aquaculture Licences Appeals Board**



Victor & Lynda Morgan  
Kilcomane  
Durrus  
Co Cork

25 November 2022

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Dear Mr & Ms Morgan

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Dunmanus Bay Mussels Ltd  
Dromduff  
West Bantry  
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Margaret Carton

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