FORMAL PUBLIC SUBMISSION AND OBJECTION

PROPOSED AQUACULTURE DEVELOPMENTS – BALLYNESS BAY, COUNTY DONEGAL

To: The Secretary, Aquaculture Licences Appeals Board (ALAB)
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

By email: info@alab.ie

From: Christopher Boylan, Ballyness, Falcarragh, County Donegal

Date: 1 November 2026

Re: Formal objection and observations concerning appeals AP2–AP11/2025 and the Appropriate Assessment of proposed Pacific oyster and Manila clam cultivation in Ballyness Bay.

Relevant public notice: ALAB public notice dated 1 October 2026, inviting submissions by 2 November 2026.

Dear Members of the Aquaculture Licences Appeals Board,

I, Christopher Boylan of Ballyness, Falcarragh, County Donegal, make this formal submission in response to the public notice dated 1 October 2026 concerning the appeals against decisions to grant aquaculture licences for the cultivation of Pacific oysters and Manila clams in Ballyness Bay.

I object to the proposed developments as presently put forward. My concerns relate to the protection of Ballyness Bay and connected European sites, the possible effects on habitats and wildlife, the physical effects of cultivation and access, the risks associated with non-native species, and the combined effects of multiple operations. I ask the Board to consider these observations as part of its Appropriate Assessment and its determination of the appeals.

I recognise that aquaculture can provide economic activity and employment. However, commercial benefits cannot replace the legal requirement to protect designated habitats and species. The decision must be based on complete, current and reliable scientific information.

1. The legal test and protection of European sites

Ballyness Bay includes areas designated for nature conservation, including Ballyness Bay Special Area of Conservation (SAC). The public notice itself identifies a range of SACs and Special Protection Areas (SPAs) that may be affected by the proposed projects.

Article 6(3) of the Habitats Directive 92/43/EEC requires an appropriate assessment of a plan or project likely to have a significant effect on a European site, either individually or in combination with other plans or projects. Consent may be given only where the competent authority has ascertained that the project will not adversely affect the integrity of the site.

The Board must reach that conclusion on the basis of complete, precise and definitive findings capable of removing reasonable scientific doubt. If important information is missing, if effects have not been adequately assessed, or if uncertainty remains about the protection of site integrity, the Board should not grant the licences on the current evidence.

2. Cumulative effects of all proposed sites and activities

A central concern is the combined effect of several cultivation sites operating in the same bay and connected coastal environment. The impacts of each application should not be considered in isolation. The Board should assess the full combined footprint and operational activity, including:

- the total area occupied by trestles, oyster bags, clam trays, nets and associated equipment;

• the frequency and intensity of installation, inspection, maintenance and harvesting;

• the combined effects of people, vehicles, tractors and trailers moving across the foreshore; • sediment disturbance, compaction, changes to benthic communities and organic enrichment; • effects on feeding, roosting and movement areas used by birds and other wildlife;

• possible changes to local hydrodynamics, sediment transport and water quality; and • the interaction of these effects with existing aquaculture, other activities and other plans or projects.

The Board should identify the assumptions, datasets, modelling and evidence used to reach any conclusion that cumulative effects will not adversely affect the integrity of the relevant European sites. A general reliance on mitigation measures is not sufficient unless the measures are specific, effective, enforceable and supported by evidence.

3. Intertidal habitats and the seabed

The bay's mudflats, sandflats and estuarine habitats are important ecological areas. The placing and operation of cultivation equipment, together with repeated access and harvesting, may alter the physical character of the foreshore and seabed.

Potential effects requiring careful assessment include sediment compaction and disturbance, changes to sediment structure and movement, changes to benthic organisms, the shading or covering of habitat by equipment, and the loss or displacement of areas used by feeding birds and other species.

The Board should be satisfied that the area, duration and intensity of these effects have been quantified for every proposed site and for the developments in combination. It should also consider whether impacts could persist between cultivation cycles or accumulate over the full licence period.

4. Access routes and vehicle movements

The environmental material referred to in the public notice and the applicants' assessment should be examined for its treatment of access routes as well as the cultivation plots themselves. Access to the sites may involve repeated movements of tractors, trailers, workers and equipment across sensitive foreshore or dune habitats.

The assessment should specify the routes, vehicle types, frequency of journeys, seasonal timing and areas traversed. It should address the potential for rutting, compaction, erosion, vegetation damage, disturbance to wildlife and damage to protected habitats.

If alternative access routes are proposed, the Board should establish that the alternatives have been properly assessed and that they do not simply transfer the impact from one protected habitat to another. Any permitted route and limits on its use should be clearly mapped and enforceable.

5. Non-native species, stock and biosecurity

The applications concern Pacific oysters (Crassostrea gigas) and Manila clams (Ruditapes philippinarum). The Board should carefully examine the ecological risks associated with cultivation of these non-native species in and around a protected natural bay.

The use of triploid oysters may reduce reproductive potential, but it should not be treated as proof that establishment or spread is impossible. The assessment should address the reliability of stock certification and testing, the possibility of accidental inclusion of diploid or fertile individuals, escape or spread beyond licensed plots, and the risks of introducing parasites, pathogens or other organisms with stock, equipment or packaging.

The Board should require a clear biosecurity plan, including stock sourcing, inspection and testing, cleaning

and disinfection procedures, reporting obligations, response arrangements and a practical plan for dealing with any detection of unwanted organisms or establishment outside licensed areas. The risks associated with Manila clam cultivation should also be assessed specifically rather than assumed to be equivalent to those of

oyster cultivation.

6. Birds and other wildlife

The public notice identifies a number of SACs and SPAs in the wider area. Intertidal habitats are important feeding areas for wading birds and other waterbirds. The Board should consider whether cultivation equipment and repeated human and vehicle activity could displace birds, reduce available feeding habitat or disturb feeding and roosting during sensitive periods.

The assessment should be based on current and sufficiently detailed survey information, including seasonal use of the affected areas. It should consider the combined disturbance from all proposed sites and access routes, not merely the distance between an individual plot and a recorded bird location.

The Board should also examine potential effects on seals and other marine mammals where relevant, including disturbance from people, vehicles, noise and activity around haul-out or resting areas. Any conclusions should be supported by site-specific evidence.

7. Water quality, organic enrichment and sediment effects

The proposed operations should be assessed for possible accumulation of faeces, pseudofaeces, shell material and other organic matter beneath and around cultivation equipment, together with any effects on sediment oxygen conditions and benthic communities.

The assessment should explain the baseline water and sediment conditions, the expected loading from all sites, the sensitivity and flushing characteristics of the receiving environment, and the monitoring needed to detect adverse changes. It should also address whether equipment or operations could affect local currents, sediment transport or the dispersal of material.

The Board should not rely solely on general statements that shellfish farming is low-input or that mitigation will be followed. The relevant question is the likely effect of the particular scale, layout, location and operating methods proposed in Ballyness Bay.

8. Currency and adequacy of the scientific information

I ask the Board to verify that the Natura Impact Statement and all supporting ecological information before it are sufficiently current and complete for a decision in 2026. The public notice states that a Natura Impact Statement was provided to the Board on 10 May 2026. The Board should make clear which version it has assessed and whether it updates or replaces earlier material.

Where earlier reports or surveys are relied upon, the Board should explain why they remain representative of current conditions. Older survey information should not be treated as conclusive if habitats, species use, aquaculture activity or other environmental pressures may have changed.

The Board should ensure that the assessment includes current baseline data, relevant seasonal surveys, all relevant plans and projects, and a transparent explanation of the methods and assumptions used. Any material gaps should be addressed before a decision is made.

9. Mitigation, monitoring and enforcement

Mitigation can support a finding of no adverse effect only where it is sufficiently certain, effective and capable of being secured and enforced. The Board should not rely on vague commitments or voluntary good practice.

Before any licence is granted, the Board should identify the precise measures required, who is responsible

for implementing them, how compliance will be checked, and what happens if monitoring identifies damage or a breach. Monitoring should be capable of detecting change early enough for effective action.

Any conditions should include clear limits on site layout and equipment, access routes and vehicle movements, seasonal restrictions where required, biosecurity, waste and shell management, reporting,

independent inspection and remedial action. There should be effective powers to suspend or revoke a licence if required to protect the site.

10. Local amenity and the public interest

Ballyness Bay is part of the natural environment and identity of the Falcarragh and wider Cloughaneely area. It is valued by residents and visitors for its landscape, foreshore, wildlife and recreational uses. These include walking, swimming, angling, kayaking, birdwatching and simply enjoying the bay.

The scale and location of commercial structures and associated activity may affect the appearance and use of the foreshore, access and the experience of people who use the bay. These considerations do not replace the statutory nature-conservation tests, but they are relevant to the wider public interest and should be properly considered where the Board has discretion.

I ask that the natural character and public value of Ballyness Bay are not overlooked when weighing the commercial benefits of the proposed developments.

11. Questions the Board should resolve before determining the appeals

I respectfully ask the Board to address the following matters in its determination:

- What is the complete and current Natura Impact Statement and supporting ecological evidence relied upon for the May 2026 submission?
- How have the combined effects of every proposed cultivation site, access route and associated operation been assessed?
- What current survey evidence supports the conclusions concerning protected habitats, birds and marine mammals?
- How have the effects of vehicle access and repeated movements across the foreshore been quantified and assessed?
- What evidence supports the proposed biosecurity controls and the conclusions concerning triploid Pacific oysters and Manila clams?
- What baseline and follow-up monitoring will be required for sediments, benthic communities and water quality?
- Which mitigation measures will be binding licence conditions, how will they be independently monitored, and what action follows if they fail?
- How will the Board demonstrate that the conservation objectives and integrity of Ballyness Bay SAC and any other relevant European sites will be protected?

12. Conclusion and request

For the reasons set out above, I object to the proposed aquaculture licences in Ballyness Bay as presently proposed. I am concerned that the combined effects of the developments, their access arrangements and their long-term operation may place unacceptable pressure on protected habitats and wildlife.

I respectfully ask the Aquaculture Licences Appeals Board to:

- **Refuse the proposed licences** where the Board cannot lawfully establish that the projects will not adversely affect the integrity of the relevant European sites;

- **Alternatively, defer determination** until any deficiencies in the scientific evidence and Appropriate Assessment have been fully addressed and the public has had a fair opportunity to comment on material new information; and

- **Give full and reasoned consideration** to the cumulative impacts, the condition of protected habitats, access-related disturbance, non-native species risks and the enforceability of proposed mitigation.

I ask the Board to apply the precautionary approach required by the nature-conservation legislation and not to authorise developments where reasonable scientific doubt remains about their effects on the integrity of protected sites.

Ballyness Bay is a natural asset of importance to the local community and to future generations. Its ecological character should be protected. Once sensitive habitats have been damaged or non-native species become established, restoration may be difficult, costly or impossible.

Thank you for considering my submission. Please acknowledge receipt and ensure that it is placed on the appeal file and taken into account in the Appropriate Assessment and determination.

Yours faithfully,

Christopher Boylan
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