Alab, Info

From: Darren Bradley [redacted]
Sent: Friday 16 October 2026 11:44
To: Alab, Info
Subject: Formal Submission on Appropriate Assessment – Ballyness Bay Aquaculture Appeals

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To: The Secretary, Aquaculture Licences Appeals Board

Kilminchy Court, Dublin Road, Portlaoise, Co. Laois, R32 DTW5

Re: Ballyness Bay Aquaculture Appeals AP2–AP11/2025 – Appropriate Assessment Public Consultation

Dear Secretary,

I wish to make a formal submission concerning the Appropriate Assessments being undertaken by the Aquaculture Licences Appeals Board in relation to proposed oyster and clam cultivation in Ballyness Bay, County Donegal.

I am a resident of County Donegal with a longstanding interest in coastal conservation and the environmental effects of aquaculture. Through my involvement in examining similar developments in Lough Swilly, I have become particularly concerned about the spread of non-native Pacific oysters, damage to intertidal habitats and the cumulative effects of extensive shellfish cultivation.

My submission is based primarily on the environmental risks identified in the official assessment documentation and the additional information previously requested by ALAB's own technical advisers.

I respectfully request that the Board refuse the relevant licences wherever the Appropriate Assessment cannot establish, beyond reasonable scientific doubt, that the proposed developments will not adversely affect the integrity of the European sites concerned.

1. Natura 2000 Protection and Appropriate Assessment

Ballyness Bay is designated as a Special Area of Conservation (SAC), containing habitats of European conservation importance.

The September 2023 AQUAFACT Natura Impact Statement identifies habitat disturbance, species disturbance, organic enrichment, pest and disease risks, and the introduction of non-native species as potential impact mechanisms (Reference R1, Section 2.5, pp. 12–13).

The same report identifies conservation features of Ballyness Bay SAC, including intertidal mudflats and sandflats, and considers ecological connections with other European sites (R1, Sections 2.7–2.8).

Under Article 6(3) of the Habitats Directive, the Board must be satisfied that the proposed developments will not adversely affect the integrity of relevant European sites, individually or in combination.

I request that ALAB demonstrate how each identified impact mechanism has been assessed against the relevant conservation objectives and how any scientific uncertainty has been resolved.

2. Non-Native Pacific Oyster Proliferation

The September 2023 NIS explicitly recognises that Pacific oysters are non-native and may establish populations outside cultivation areas (R1, Section 3.2.13, pp. 73–74).

Importantly, the report acknowledges that the risk of Pacific oysters becoming naturalised in Ballyness Bay cannot be discounted.

This finding is particularly concerning given the experience of Lough Swilly, where Inland Fisheries Ireland has identified widespread feral Pacific oyster populations and adverse effects on native oyster stocks.

The NIS recommends the exclusive use of triploid oysters as a mitigation measure (R1, Sections 3.2.14 and 3.3, pp. 74–75).

I request that ALAB establish whether:

- Triploid-only cultivation will be a legally binding licence condition.
- Seed origin and ploidy will be independently verified.
- Baseline surveys of existing feral oysters have been completed.
- Long-term monitoring and control measures are enforceable.
- Contingency arrangements are capable of preventing or responding to naturalisation.

The recognition of a risk that cannot be discounted requires particular scrutiny of the effectiveness and enforceability of mitigation before any conclusion of no adverse effect can be reached.

3. Manila Clam Cultivation

The NIS confirms that the proposals include Manila clams (Ruditapes philippinarum) cultivated in wooden trays beneath mesh, alongside Pacific oyster cultivation (R1, Section 1.1, pp. 1–2).

Section 3.2.13 acknowledges that Manila clams are non-native, although the report considers their risk of naturalisation to be low and recommends continued surveillance.

I request that the Board establish whether this conclusion remains supported by current scientific evidence and site-specific environmental conditions.

The assessment should also distinguish between the ecological effects of oyster trestles and clam cultivation, including differences in sediment disturbance, anchoring, operational access and habitat occupation.

4. Intertidal Habitat Disturbance and Sediment Ecology

The original Marine Institute assessment identifies tidal mudflats and sandflats as a relevant conservation feature requiring assessment (Reference R5, Section 8).

The September 2023 NIS separately addresses habitat disturbance and organic enrichment (R1, Sections 3.2.1 and 3.2.7).

Research into intertidal oyster cultivation has identified potential effects associated with sediment compaction, biodeposition and changes in benthic communities.

I request that the Board demonstrate that the assessment adequately addresses:

- Physical occupation and disturbance of protected intertidal habitats.
- Repeated vehicle and pedestrian access.
- Sediment compaction and changes to benthic communities.
- Organic enrichment beneath cultivation structures.
- Cumulative habitat disturbance from all proposed sites.

The assessment should identify the location, extent and condition of affected habitats and explain how the proposed activities remain compatible with the SAC's conservation objectives.

5. Protected Birds and Feeding Habitat

ALAB's March 2024 Appropriate Assessment Supplementary Report records that additional information was required regarding Special Conservation Interest bird species from SPAs whose feeding ranges overlap Ballyness Bay or whose designated areas adjoin the projects and access routes (Reference R2, pp. 2–3).

The report also identified limitations in the geographical approach used to assess relevant SPA species.

These findings demonstrate the importance of examining ecological connectivity beyond the immediate development footprint.

I request that the Board identify how the current assessment addresses:

- Relevant SPA bird species using Ballyness Bay.
- Feeding and roosting habitat availability.
- Disturbance from operational activity.
- Behavioural avoidance of cultivation structures.
- Cumulative displacement arising from multiple aquaculture sites.
- Potential effects on invertebrate prey availability.

The assessment should demonstrate that all relevant species and ecological pathways have been considered using current and appropriate evidence.

6. Grey Seals and Marine Mammal Disturbance

ALAB's March 2024 supplementary assessment identified the need for further consideration of seal species using Ballyness Bay and potential disturbance to protected grey seal populations (R2, pp. 2–3).

The April 2024 Appropriate Assessment Conclusion Statement records the technical adviser's recommendation for a minimum 200-metre separation distance, together with a tidal channel, between known seal haul-out sites and proposed aquaculture activity (Reference R3, pp. 1–3).

I request that ALAB establish:

- Whether all relevant seal haul-out locations have been identified using current surveys.
- Whether the recommended separation and tidal-channel requirements are maintained.
- Whether seasonal disturbance and operational vessel movements have been assessed.
- Whether proposed mitigation is enforceable throughout the operational life of the licences.

The current assessment should clearly explain how the earlier concerns regarding seal disturbance have been resolved.

7. Water Quality, Organic Enrichment and Benthic Communities

The September 2023 NIS recognises organic enrichment, sedimentation and current alteration as potential environmental impact mechanisms (R1, Sections 2.5.3 and 3.2.7).

Oyster cultivation may result in localised accumulation of faeces and pseudofaeces, potentially affecting sediment chemistry, oxygen availability and benthic communities.

I request that ALAB examine whether the assessment adequately considers these effects under the particular tidal, sedimentary and ecological conditions of Ballyness Bay.

This should include the combined effects of multiple cultivation sites and any implications for the structure and function of protected intertidal habitats.

8. Cumulative and In-Combination Impacts

ALAB's March 2024 report expressly identified the need for an assessment of in-combination effects, including the existing salmonid fishery and other proposed aquaculture projects within Ballyness Bay (R2, p. 3).

The September 2023 NIS includes sections addressing other plans and projects and in-combination effects (R1, Sections 2.9 and 3.4).

I request that the Board establish whether the current assessment includes all relevant existing and proposed activities and considers their combined effects on:

- Protected habitats and species.
- Sediment and benthic ecology.
- Bird disturbance and displacement.
- Marine mammal disturbance.
- Non-native species introduction and spread.
- Operational access and associated habitat pressures.

The Board must be able to reach a conclusion concerning the combined effects of the proposals, rather than relying solely upon individual site assessments.

9. Previously Identified Assessment Gaps

The March 2024 ALAB Supplementary Report records that the Board's technical adviser sought additional information in four areas:

1. Protected SPA bird species and their ecological connections with Ballyness Bay.
2. Seal species and potential disturbance.
3. In-combination impacts, including the salmonid fishery.
4. Environmental changes since the earlier 2019 assessment.

The report also records that some matters required further clarification following receipt of the supplementary Natura Impact Statement (R2, pp. 2–3).

I acknowledge that subsequent assessment work may have addressed some or all of these issues.

Nevertheless, I request that the Board provide a clear account of how each issue has been resolved in the documentation now before it, including references to updated surveys, scientific findings and mitigation measures.

In particular, the Board should explain how the current assessment differs from earlier assessments and whether any material environmental changes have occurred since the original surveys.

10. Mitigation and Enforcement

The April 2024 Appropriate Assessment Conclusion Statement records that certain proposed mitigation measures might not be fully achievable or could depend upon other agencies for implementation (R3, p. 1).

This raises an important question concerning the certainty and enforceability of mitigation relied upon in reaching an Appropriate Assessment conclusion.

I request that ALAB distinguish clearly between:

- Mandatory licence conditions.
- Recommendations and voluntary management measures.
- Measures dependent upon third parties.
- Monitoring arrangements.
- Actions required if environmental impacts occur.

Particular attention should be given to triploid-only cultivation, non-native species control, protection of seal haul-out areas and operational restrictions intended to prevent disturbance.

Mitigation relied upon to establish no adverse effect on European site integrity must be sufficiently certain and effective at the time of authorisation.

11. Community Concerns and Wider Environmental Protection

I also support the concerns expressed by the Save Ballyness Bay campaign regarding the protection of this important coastal environment.

The bay provides ecological, recreational and landscape value to local communities and visitors.

Although the current consultation concerns Appropriate Assessment, the wider public interest reinforces the need for transparent, scientifically robust and environmentally responsible decision-making.

I request that the Board give full consideration to the environmental evidence presented by members of the public and relevant conservation organisations.

12. Conclusion and Request for Refusal

The official assessment documentation identifies several important environmental issues associated with the proposed oyster and clam cultivation developments in Ballyness Bay.

These include the risk of non-native species establishment, disturbance to protected habitats and wildlife, organic enrichment and cumulative ecological pressures.

The Board's own earlier technical assessments also demonstrate that additional scientific information has previously been required to complete the Appropriate Assessment process.

I respectfully request that ALAB ensure that the current assessment resolves these matters through complete, precise and scientifically supported findings.

Where reasonable scientific doubt remains regarding adverse effects on the integrity of the relevant European sites, the licences should be refused under the ordinary Article 6(3) consent process.

I therefore request that the Board refuse the relevant aquaculture licences wherever the required legal standard cannot be met.

Please acknowledge receipt of this submission and confirm that it will be considered as part of the current Appropriate Assessment consultation.

Yours faithfully,

Darren Bradley

[redacted]

16/10/26

Appendix A – Official Documents Relied Upon

R1. AQUAFACT–APEM Group, Ballyness Bay Oyster and Clam Aquaculture Sites: Screening for Appropriate Assessment and Natura Impact Statement, September 2023.

R2. Aquaculture Licences Appeals Board, Appropriate Assessment Supplementary Report, 22 March 2024.

R3. Aquaculture Licences Appeals Board, Appropriate Assessment Conclusion Statement, 5 April 2024.

R4. Natura Impact Statement supplied to ALAB on 10 May 2026, as identified in the public notice dated 1 October 2026. Detailed findings and page references remain to be verified.

R5. Marine Institute, Report Supporting Appropriate Assessment of Aquaculture Activities in Ballyness Bay, March 2019.