

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board



AP6/1-2/2018 Dunmanus Bay

Section 47 request to DAFM 28 January 2019

Cúirt Choil Mhinsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

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



Mr Michael Creed TD
Minister for Agriculture, Food and the Marine
Agriculture House
Kildare Street
Dublin 2

28 January 2019

Our Ref: AP6/1-2/2018
Site Ref: T05-590A

Re: Appeals against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture and Foreshore 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 above appeals.

Having considered the information provided to it, the Board is of the opinion that further information is necessary for the purposes of enabling the Board determine the Appeals.

Pursuant to Section 47(1) (a) of the Fisheries (Amendment) Act, 1997, where the Board is of the opinion that any document, particulars or other information is or are necessary for the purposes of enabling the Board determine the Appeal it may serve a notice on a party.

The EIA Screening assessment report prepared by the Department concluded that the proposed aquaculture project will not have significant effects on the environment by virtue of inter alia, its nature, size of location. As a result it was concluded that the proposed development should not be subject to an EIA in accordance with S.I. 468 of 2012. The determination was, in part, based on technical advice provided to you to the effect that the waters are a suitable location for the operation of a suspended rope mussel culture facility with adequate flushing rates. The Technical Advisor to the Board is of the opinion that insufficient evidence and commentary is provided in your file and the licence application package to support the conclusion that flushing rates at the site are sufficient and that the site is suitable for mussel cultivation.

The application package presents an assessment of the potential impact associated with the accumulation of farm bio-deposit wastes on the seabed. The assessment assumes uniform distribution of deposits across the deposition footprint and does not adequately account for local bathymetric and hydrodynamic conditions which will result in relatively higher rates of deposition in shallow areas and in areas of restricted current flow. As accumulation rates in these areas may exceed the thresholds for benthic impact, potential significant effects cannot be discounted.

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Separately, under Regulation 10 of the Aquaculture (Licence Application) Regulations 1998, you are required to inform certain bodies of the receipt of an Aquaculture Licence application and their right to make submissions.

In accordance with the provisions of section 47(1) (a) of the Act, the Board requires the following information from you:

- to provide evidence and/ or commentary to support your conclusion regarding the flushing at the sites and suitability of the site to mussel culture;
- to provide additional site-specific evidence and/ or commentary with respect to potential benthic impacts associated with bio-deposit wastes;
- to confirm whether all relevant bodies listed under Regulation 10 (including Fáilte Ireland) were notified as per the requirements of Regulation 10.

In accordance with section 47 (1) (a) of the Act, the Board requires this information within **28 days** of receipt of this letter. Please note that if the documents, particulars or other information specified above are not received before the expiration of the period specified above, or such later period as may be agreed by the Board, the Board will, without further reference to you, determine the appeal.

Please also note that a person who refuses or fails to comply with a requirement under section 47 (1)(a) shall be guilty of an offence.

Yours sincerely,

Mary O'Hara

Mary O'Hara
Secretary to the Board

cc Mr John Quinlan, Aquaculture and Foreshore Management Division