

Eugene Fitzpatrick  
FITZPATRICK OYSTERS LIMITED

Tallaught, Saltmills,  
New Ross. Co. Wexford



7/6/2018

Ann McCarthy  
DAFM  
AFMD  
National Seafood Centre  
Clonakilty  
Co. Cork

RE: OBSERVATIONS T03/88

Dean Ann,

Thank you for forwarding observations submitted to your Department regarding my application in Bannow Bay.

Please find attached my comments regarding same and I look forward to hearing further from you in this regard.

Thanking you,

Regards,

*Eugene Fitzpatrick*  
Eugene Fitzpatrick

For our application T03/88 we would be adhering to all regulations that we currently use in the bay as governed by the Marine Institute. We have been farming oysters in the bay since the 1990 and as yet we do not have any wild oyster settlement nor any invasive species.

Regarding the comments made by the Environment Section on application T03/96 AG Oysters – We would state it is not in the sums area,

#### RESPONSE TO OBSERVATIONS MADE BY SWC PROMOTIONS

1. We have agreed to stay within the SUMS Area.
2. NPWS did zone for aquaculture previously and agreed this with DAFM. Our application T03/88 is within the approved zone Y.
3. We don't agree with the area referred to.
4. No new licences were issued due to the hold up in licencing caused by a lack of appropriate Assessment information. Not because any threshold level had been reached.
5. Even by the appropriate assessment stringent conservative standards based on assumptions that we do not agreed with there was scope for the renewal and trial licences in the bay to be granted without any significant impact on the SAC and the SPA. So we disagree with the 20 Ha threshold referred to by SWC promotions.
6. NPWS zoned for considerably more than 20 Ha in an EU LIFE funded study for the bay and agreed this with DAFM. We have been following this plan ever since.
7. We are applying for a licence in the SUMS AREA.
8. The shellfish designated growing area is woefully out of date and needs to be brought into line with operations that have been ongoing in the bay for decades now.
9. We agree that T03/96 is out of character with normal development in the bay and as an existing producer we are inside the SUMS AREA.

RESPONSE TO OBSERVATIONS MADE BY DEPARTMENT OF CULTURE HERITAGE AND THE GAELTACHT

As far as I am aware T03/88 was included in the first appropriate assessment and we also had a follow up bird survey in 2017/2018

UNDERWATER ARCHAEOLOGY

None of our sites (T03/88) are subtidal, they are all fully exposed at low water.

Our access routes are still the same as those recently licensed by your dept.

RESPONSE TO OBSERVATIONS MADE BY NATURAL ENVIRONMENT OFFICE – An TAISCE

The conclusion statement has come before all sites were assessed. Furthermore we do not accept that our activities displace nor completely exclude birdlife. These are inherently flawed assumptions used in the appropriate assessment process. Furthermore we are applying within the SUMS area which is within an area previously zoned for aquaculture development based on a LIFE funded detailed study of the birdlife in the bay and which was accepted by your Department. Our subsequent funding of three years top class bird monitoring only confirms this. We note also that all the zoning plans previously agreed by DAFM and NPWS have been excluded from the entire appropriate assessment process as it they are irrelevant when in actual fact they were the template for aquaculture development in the bay since 1999 and have guided our applications since.

RESPONSE TO OBSERVATIONS MADE BY WEXFORD COUNTY COUNCIL HARBOUR MASTER

We agree with Wexford County Council Harbour Master that our application T03/88 is within the SUMS which is managed by BIM and therefore would present no hazard to navigation.

RESPONSE TO OBSERVATIONS MADE BY ENVIRONMENT SECTION WEXFORD COUNTY COUNCIL