

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board



AP 7/3/2018 Bannow Bay

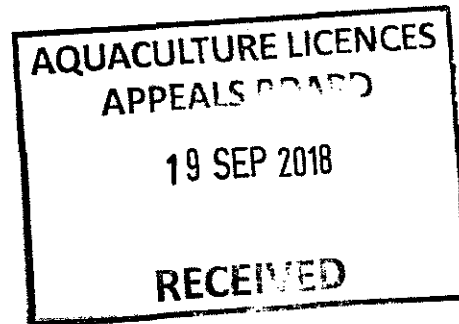
Observations

Tomás Ffrench

received 19 September 2018

05 September 2018

Aquaculture Licences Appeals Board
Kilminchy Court
Dublin Road
Portlaoise
County Laois
R32 DTW5



Re: Observations on Appeal from Hookhead Shellfish Ltd. and the amalgamation of appeals.

Dear Mary,

Thankyou for forwarding on the other appeal submissions and for giving me an opportunity to comment on them.

Firstly we note that you have decided to amalgamate the appeals into one but we would like to draw your attention to our comments on the points made by Hookhead Shellfish Ltd in their appeal against licensing of T03/87A.

In **Point 1** of their appeal they state that the 'Winter Bird Survey 2017/2018' was commissioned jointly by Marine Institute and Hookhead Shellfish Ltd. This is incorrect as all of the oyster companies in the bay co-funded this work with the Marine Institute. The producers co-funded equally towards the work.

In **Point 2** they refer to mitigation measures currently being investigated in Dungarvan Harbour SPA. If they are referring to the large bird corridor that has been created in the middle of the oyster production area (that is supposedly meant to allow free passage of wading birds through the blocks of oyster farms for that bay) then we strongly feel that this is entirely inappropriate for Bannow Bay for the following reasons. Firstly the production area in Dungarvan has one continuous tideline running roughly north/south and moving east/west through the production area which is composed of dense blocks of trestles whereas in Bannow Bay there are numerous complex tidelines throughout the production area due to channels and banks and the production area does not have the same trestle density as in Dungarvan. Therefore the idea of a bird corridor does not match with

the bathymetry or oyster farm layout in Bannow. Secondly Bannow Bay has much more feeding areas to offer birds outside of the production area as compared to Dungarvan Harbour and this brings us back to our argument that the appropriate assessment was flawed in that it assumes exclusion of birds if they are not present in the production area rather than considering that they may be availing of better feeding areas.

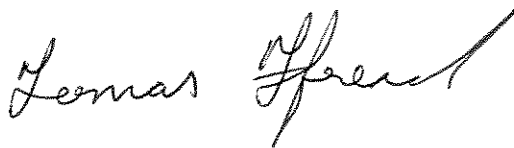
We agree with **Point 3** that the AA was heavily based on a trestle study which devoted little or inadequate time in Bannow Bay focusing on interactions between the Bannow Bay oyster production area and the birds in Bannow SPA in that setting.

In regard to Point 4 we cannot comment on it either way as it is a legal issue.

We hope that our arguments have not been diluted now that ALAB have amalgamated the appeals. Our core position is that the AA was severely flawed in its assumptions, ignored some bird data that was submitted by the industry and completely dismissed previously agreed wildlife zoning plans which guided the Department in licensing us in this area which was deemed less sensitive (an area where we are being refused). The bird zoning plan was based on LIFE Funded projects involving numerous experts and agreed by two Departments. How can this be dismissed as if it didn't exist?

Yours Sincerely

Tomás Ffrench

A handwritten signature in cursive script, appearing to read 'Tomás Ffrench', written in black ink.