

NOTICE OF APPEAL UNDER SECTION 40(1) OF  
FISHERIES (AMENDMENT) ACT 1997 (NO. 23)



Appeal Form

Please note that this form will only be accepted by REGISTERED POST  
or handed in to the ALAB offices

Name of Appellant (block letters)	IAN LESLIE STRETCH BSc MRCUS		
Address of Appellant	SEEFIN GROUP		
	LOUGHANISH		
	GLENLOUGH		
	BANTRY CO CORK P75EP95		
Phone:		Email:	
Mobile:	N/A	Fax:	N/A

Fees

Fees must be received by the closing date for receipt of appeals	Amount	Tick
Appeal by licence applicant	€380.92	
Appeal by any other individual or organisation	€152.37	✓
Request for an Oral Hearing * (fee payable in addition to appeal fee)	€76.18	
* In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded.		
(Cheques Payable to the Aquaculture Licences Appeals Board in accordance with the Aquaculture Licensing Appeals (Fees) Regulations, 1998 (S.I. No. 449 of 1998))		
Electronic Funds Transfer Details	IBAN: IE89AIBK93104704051067	BIC: AIBKIE2D

Subject Matter of the Appeal

APPEAL AGAINST THE DECISION BY THE MINISTER FOR  
THE MARINE TO GRANT AN AQUACULTURE LICENCE TO  
CULTIVATE MUSSELS ON SITE T05/430A TO  
WEST CORK SEA FOODS LTD

Agriculture Appeals Office

20 NOV 2019



Site Reference Number:-  
(as allocated by the Department of Agriculture, Food and the Marine)

T05/430A

Appellant's particular interest in the outcome of the appeal:

AS SPOKESPERSON FOR THE SLEEFIN GROUP I  
EXPRESS OUR JOINT CONCERN REGARDING THE  
GRANTING OF THIS LICENCE AS OUTLINED IN THE  
ACCOMPANYING DOCUMENTS. MY PARTICULAR CONCERN  
IS THAT, IF THIS LICENCE IS UPHOLD, IT WILL HAVE AN ADVERSE  
EFFECT ON OUR BTB BUSINESS AND OTHERS LOCALLY.

Outline the grounds of appeal (and, if necessary, on additional page(s) give full grounds of the appeal and the reasons, considerations and arguments on which they are based):

FOR THE SAKE OF CLARITY AND CONVENIENCE THE  
GROUNDS FOR APPEAL ARE ATTACHED AS FOUR  
SIGNED PAGES

Signed by appellant:



Date:

19/11/19

**Please note that this form will only be accepted by REGISTERED POST  
or handed in to the ALAB offices**

**Fees must be received by the closing date for receipt of appeals**

This notice should be completed under each heading and duly signed by the appellant and be accompanied by such documents, particulars or information relating to the appeal as the appellant considers necessary or appropriate and specifies in the Notice.

DATA PROTECTION - The personal data held by the Department of Agriculture, Food and the Marine is processed in accordance with the provisions of the Data Protection Act 1987 and the General Data Protection Regulation (GDPR) 2016/679.

Please forward completed form to: Aquaculture Licences Appeals Board, Kimmichy Court, Dublin Road, Portlaoise, Co. Laois. Tel: (057) 8631912 Email: info@alab.ie


1)

We, the Seefin Group, wish to appeal the decision by the Minister for the Marine to grant an Aquaculture licence to cultivate mussels on site T05/430A to West Cork Seafoods Limited. The decision flew in the face of a petition of 66 names, as well as 29 individual submissions. One of our members sought (under Freedom of Information Act 2014) to access all submissions received by the division along with the applicants response to these. After an initial refusal for these, upon appeal they were released in partly redacted form post the ministerial decision on the above licences.

We are a local group comprising of people who have been born and raised on the Sheep's Head Peninsula as well as those who have lived in this area well in excess of thirty years. We have sent individual observations to the Aquaculture and Foreshore Division in Clonakilty in relation to this licence along with T05/430B. We have now come together as a group to have a collective input, it would appear our individual submissions were not even considered but dismissed before serious study.

We note Gareth Murphy's (West Cork Seafoods) comments relating to information they received post the statutory consultation process:

1. They comment that the Marine Institute has no objection to the licences. In written submissions it has been pointed out that the Marine Institute is not the appropriate body to comment or undertake a screening matrix as it can be perceived the Institute's neutrality is compromised as they have grounds leased from the applicants father for a sampling facility in Gearhies. For this a fee of €3000 is paid per annum. Also disturbing, there is no evidence an alternative, more suitable site was sought.
2. We acknowledge the SFPA comments but are disappointed that **Bord Failte** or the **Wild Atlantic Way** were not invited to comment.
3. The Commissioner for Irish Lights objected to T05/430 B and states all navigation stated by the Marine Survey Office must be adhered to in relation to T05/430A This unfortunately has not been enforced in a number of unused sites which we will comment on later.
4. We note the applicant appears to give his own opinion on fish migration. Given the already grossly exploited area, this could have been done formally by commissioning an **Environmental Impact Assessment**.
5. It does not assuage our fears that the applicant has not cognitively read our submissions and noted them. Mr Murphy appears to preempt the

 09/11/19

2)

Minister by stating that for the most part the objections do not breach legislative conditions, and would have been taken into consideration when the south shore was designated as "shellfish growing waters". A perusal of the Ministers legislative guidelines would again suggest its perverse to again not commission an EIA for this most sensitive area. It's implied consideration was made before designating this side of Bantry Bay as a Shellfish Growing area. none of us were aware of this title ( nor in any way informed of a change of use of the area.)

- We want to formally point out that there are no rope mussel grown anywhere in the south side of outer Bantry Bay from Beach to Gouladoo - a span that has already seven aquaculture licences to cultivate mussels. Five of these T05/069A, T05/069B, T05/433, T05//498A and T05:306A are in a low visibility area as you can view on Ministers map, they are hardly visible when travelling from west to east along the L4703 as Reen Point covers viewing and south of these sites the road is not near the sea and there is a high cliff face, hence one will only see far out the bay looking north, Therefore these abandoned sites are ideal for low visual impact longlines. Off Reen Point there is site T05/495A which was never used. West of Gearhies where many believe the Sheep's Head experience begins, there is a marked difference in road width when one journeys the Goats Path. As one travels south of the proposed licence site in question, the area is one of the most salient points on this side of the peninsula whether coming east or west. It is absolutely staggering to state the quality status of the area will not be adversely effected as is implied in reasons for determining licence by minister. T5 /408 is yet another mussel licence granted in 2000, it lies about a mile due west of the proposed site. It has just had its licence renewed but has not been used in over a decade. It's widely known that the site is too exposed to Atlantic fronts and high swells.
- Mr Murphy also states licence is needed to grow mussel but as has been already referred in submissions is the fact fastnet mussels are in possession of six Aquaculture licences to grow mussel already one in the inner Bantry Harbour T05/053N1 by the departments mapping can legally use 17 longlines.
- Over the past number of years we have noted a steady decline to the rugged beauty of the north side of the Sheep's Head Peninsula due to the incursion of factories. Presently there are two seafood processing factories within a half mile of each other in the town land

Atwater 19/1/19

3)

of Gearhies. One of these is a **mussel factory**, the other is a **fin fish processing plant**. Gearhies is approximately 1 mile from T05/430A. Also in the bay north of here there are presently **2 salmon farm licences** T05/122N2 and T05/122N1 which are now restocked with salmon, this site was wiped out in 2014 due to storm damage causing the loss of hundreds of thousands of mature salmon, to date no incident report has been released from the department's engineering division. Also here is a **seaweed longline farm** T05/547A just east of T05/122N1. We will comment on this below.

The density of commercial exploitation is far too intense for this area.

- You will note that the Seefin Group appealed the ministerial decision to grant a licence for T05/547A, this licence was granted just months before the major incident to the salmon unit in 2014, the initial decision was upheld by your board. Some time after which is detailed on **FL1 attached**.
- On viewing the ministerial file, it came to our attention that there was a serious issue relating to a claim by John Murphy that he was the owner of **Gearhies Pier**. These claims are repeated several times as we have highlighted in **FL1**. These claims are disturbing in that the department never clarified those statements. We have enclosed documents stating the Department actually gave grant assistance to Cork County Council on five occasions for maintenance and upgrade works to Gearhies Pier, the last was just 2012, so it's perverse as to why it did not take issue with these outrageous claims. As of now, we have written confirmation from Minister Creed that states **Gearhies Pier is under the ownership of Cork County Council** and available for public use. The department however has not clarified, after all this time, their interpretation. It is a nefarious claim on a pier that has been in existence over a century.
- On September 2018 a **plaque was unveiled here in memory of eight herring fishermen who drowned hours after setting off from the pier a hundred years previously on 25/9/1918**; hence it is a place of huge sentimental value to local residents who lost family members that night.
- Please note **FL 2**; this is documentation that states the licences T05/430 A&B were already applied for in 1998 by Fastnet Mussels Ltd which are the same family as that of West Cork Seafoods. Note it applied for three species of shellfish to cultivate, we contend that this present licence application is vitiated as there is no information present as to why a decision was never issued since 1998. Bizarrely

*Arthur* 19/11/19

4)

there are no details about this application that was received by the department in 1998 as to why it was not granted or refused, ultimately it appears that it was lodged there for two decades. Also it effectively obstructed any other party from attempting to obtain a licence for these areas of Bantry Bay.

The Department has made no attempt to engage with stakeholders, which has obviated any meaningful dialectic, so we now turn to you, the Appeals Board, and call on your ethical integrity to thoroughly assess our appeal, we implore the board to undertake an EIS with an appropriate referee. Finally there is an undoubted proclivity on the departments behalf to assess these licences with a view to grant. We invite the board to please when taking into account the sensitive area in question the multitude of unanswered issues above, including ample Licences areas to cultivate mussels already. Is it still prudent to grant T05/430A?

We have focused upon the many technical problems of this application, but please know also that the impact on residents and tourism is incalculable. A way of life is being destroyed, land and seascape are already negatively changed. The tourism (engendering employment) which includes, B & B's, holiday rentals, marine activities, the much promoted hill walking, cycle runs and restaurants are all diminished by this continued exploitation. So many of the individual letters sent reflected the ruination of this beautiful previously unspoilt peninsula and environs. We feel the many have been sacrificed for the benefit of a few corporate entities which has contributed to systematic destruction of this beautiful area of Ireland.

Signature on behalf Seefin group ♀



IAN. L. SNEATH

19/11/18

FL 1  
 DOCUMENTATION STATING  
 DEPARTMENT ISSUED  
 PAYMENTS TO CORK COUNTY  
 COUNCIL FOR WORKS TO  
 GEARHIES PIER

Page no.	Description of document	Deletions	Relevant Section of FOI Act	Reason for decision	Decision maker's decision
1	Application for payment of grant under Fishery Harbour & Coastal Infrastructure Development programme 2012 - €18,689.27	None	N/A	Release of same is in public interest	Granted
2	Approval of payment under Fishery Harbours Programme 2002 - €176,596.50	Yes	N/A	Release of same is in public interest	Granted
3	Approval of payment under Fishery Harbours Programme 2001 - €267,835.50	Yes	N/A	Release of same is in public interest	Granted
4	Approval of payment under Fishery Harbours Programme 2000 - €39,328.41	Yes	N/A	Release of same is in public interest	Granted
5	Approval of payment under Fishery Harbours Programme 1999 - €53,335.50	Yes	N/A	Release of same is in public interest	Granted

An Roinn Cumarsáide,  
Mara agus Ábhairní Náúúcha



Department of Communications,  
Marine and Natural Resources

December 2002

County Secretary  
Cork County Council  
County Hall  
Cork

Dear County Secretary

I refer to your recent request for payment of the additional grant aid in respect of expenditure incurred in 2002 on projects approved for funding under Fishery Harbours Programmes in the period 1999 to 2001.

The following payments have now been approved:-

Fishery Harbours

[REDACTED]	[REDACTED]	[REDACTED]
Gerahies	Pier extension	€176,596.50
[REDACTED]	[REDACTED]	[REDACTED]

The following payment has also been approved under the 2002 Coast Protection Programme:-

[REDACTED]	[REDACTED]	[REDACTED]
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Enclosed please find a Payable Order for [REDACTED]

These works are subject to inspection by the Department's engineers. In the event that any aspect of the works are found to be unsatisfactory Cork County Council will be required to rectify the works or repay the relevant portion of the grant.

Yours sincerely,

G. Egan

Gráinne Egan  
Fishery Harbours & Coast Protection Division.





Department of the Marine  
and Natural Resources  
Roinn na Mara agus Acmhainní Náúúrtha

December 2001








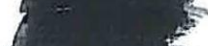


County Secretary  
Cork County Council  
County Hall  
Cork

Dear County Secretary

I refer to your recent request for payment of the appropriate grant in respect of works carried out under the 2001 Fishery Harbours and Coast Protection Programmes.

The following payments have now been approved:-

Fishery Harbours


	
Gerahies – Pier extension	£267,835.50
	
	
	
	

— Lodge Clarke  
— City of  
— Finnil Egan  
— Big Barry AO Fin

Coast Protection


	
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G. O'Neil  
10/12/01

Enclosed please find a Payable Order for 

These works are subject to inspection by the Department's engineers. In the event that any aspect of the works are found to be unsatisfactory Cork County Council will be required to rectify the works or repay the relevant portion of the grant.

Yours sincerely,

  
Gráinne Egan  
Fishery Harbours & Coast Protection Division.



5

**Department of the Marine  
and Natural Resources**

*Roinn na Mara agus Acmhainní Náúúrtha*



December 1999

Cork County Council  
County Hall  
Carrigrohane Road  
Cork

For attention of C B Devlin

Dear Sir

I refer to your recent request for payment of the appropriate grant in respect of works carried out under the 1999 Fishery Harbours Programme.

The following payments have now been approved:-

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
Gerahies - Pier extension/development works	£53,335.50
[REDACTED]	[REDACTED]

Enclosed please find a Payable Order for [REDACTED]

These works are subject to inspection by the Department's engineers. In the event that any aspect of the works are found to be unsatisfactory Cork County Council will be required to rectify the works or repay the relevant portion of the grant.

Yours sincerely,

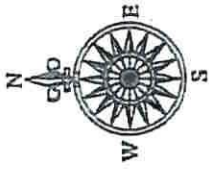
*Christina Belger*

p/p

Caroline Green  
Fishery Harbours & Coast Protection Division.

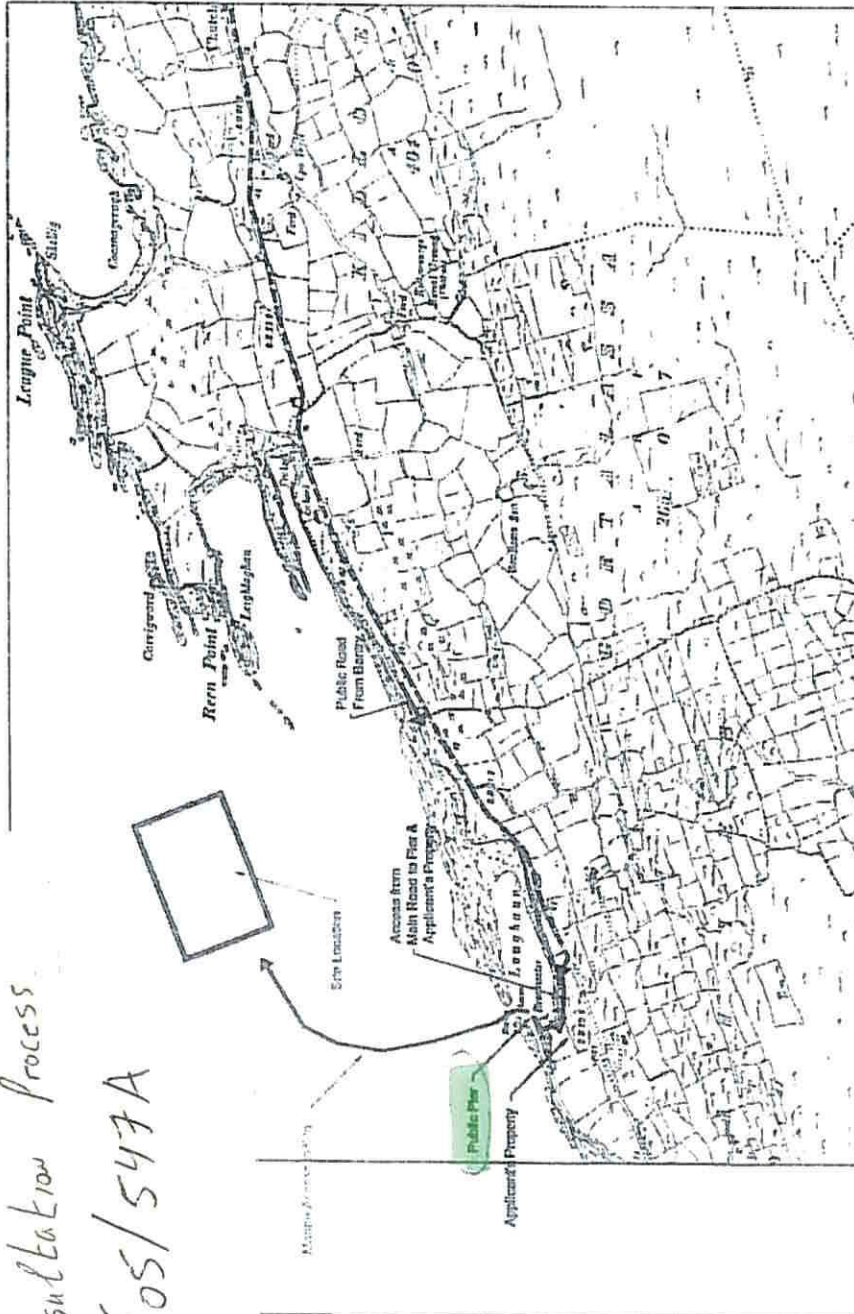
Map that the Public  
 were presented with  
 during the Statutory  
 Consultation Process

TOS/547A



**Notes:**  
 Map Sheets: CK 117  
 CK 130  
 Scale: 1:10,500

Ordnance Survey Ireland Licence No. EN 0091000  
 © Ordnance Survey Ireland/Government of Ireland



<b>Cronin Millar Consulting Engineers</b> <small>Co. Wick Lough Beg, Wick Co. Wick</small> The Millar Corporation 1 Corporation Co. Wick File: 017481441 email: emc@cmce.ie website: www.cmce.ie		This drawing to be read in conjunction with all other plans, drawings and any other relevant information. No dimensions are to be used from this drawing unless noted otherwise. All dimensions are in meters and all levels are in meters from the noted datum. Copyright reserved		Client: <b>Daithi O'Mhurchu Marine Research Station</b> Project: <b>Seaweed Licence Application Reen Point, Bantry Bay</b>		Title: <b>1:10,500 Location Map</b>	
Site Address	140013	Client Ref:	Sheet Size:	Drawn By:	Checked By:	Date:	Revision:
Application Address	100013	Client Ref:	A3	SMC	AC	14/09/2013	B
Further Information		Client Ref:					
Bar:	Description:	Date:	Drawn:	Checked:			
A							
B							

b. Pollution at Pier

Ms Fiona Stretch states:

*"We used to be able to go down to the pier to swim, as the strand IS A BIT TOO ROCKY, BUT NOW WITH ALL HIS HORRIBLE BUILDINGS AND EQUIPMENT, IT IS TOO AWFUL DOWN THERE."*

Although the pier is privately owned by John Murphy, he does not preclude the public from using the pier for leisure activities. The pier is currently maintained by Cork County Council. The pier is kept clean and tidy at all times as is in-line with the expectations of a food business. It is in the applicant's best interests that the pier area is kept clean and free of rubbish, although in the past we have experienced illegal dumping on the pier. This matter was subsequently dealt with. The Daithi O'Murchu Marine Research Station is subject to regular audits and inspections from a number of organisations including the Irish Medicines Board (IMB) and Cork County Council. The regularity of these inspections means that the pier is kept to a high standard.

c. Pollution from Salmon Farm

Ms. Fiona Stretch states:

*"We used to be able to go fishing for mackerel and herring but with the pollution from the salmon farms the wild fish are not plentiful any more and NO HERRING!!"*

Firstly, the current licence application is concerned with the development of seaweed aquaculture, not the expansion of current or addition of further salmon cages. Secondly, the addition of the proposed aquaculture licence to cultivate native indigenous macro-algae using longlines will in fact reduce dissolved nutrient waste streams in a process called integrated multi-trophic aquaculture (IMTA). IMTA uses waste streams from conventional aquaculture practices as a source of nutrition for other organisms, such as seaweed. Dissolved nutrients are predominantly converted to protein by the algae which can then be used as a feed source for other organisms, e.g. gastropods or echinoderms, or as a source of nutraceuticals for human consumption. Seaweed has a multitude of uses, from agricultural fertilisers to use in cosmetics and medicines. Thus, the addition of cultured seaweeds in close proximity to the salmon cages will have both environmental and economic benefits. Chinese and Canadian industries are rapidly developing this technology with several European small-to-medium enterprises (SMEs) following close behind.

d. Pollution from Algae Lines

Ms Fiona Stretch states:

*"I Like to have family and friends from England to stay in the summer, but they too object to his JUNK AND THE WAY HE IS SPOILING THE PLACE. If we go down to the strand to swim next summer...if he puts the new algae lines down, we will probably get a mouthful of algae!"*

As mentioned in 4a (above), we do not foresee any pollution in relation to the lines and buoys required for seaweed culture. With respect, the area around a working pier may not be the most suitable for swimming but

## **6. Public Amenities**

### **a. Swimming**

Ms. Fiona Stretch, stated that swimming conditions at the pier will be affected due to the proposed development. The applicant notes that this is not a designated bathing area, and questions the suitability of a working pier for the purposes of bathing.

### **b. Fishing**

Ms. Fiona Stretch, appears to state that fish stocks are reduced in the area. It is unclear if Ms. Stretch claims that the existing salmon farm is the cause for a reduction in fish stocks, or whether the proposed development will cause a reduction in stocks. She does not appear to provide any basis for this claim. There is no research or evidence that indicates that seaweed results in a decline in fish stocks.

### **c. Public Pier**

Mrs. J Stretch, states "*Gearhies Pier is a public place and nobody has the right to exclusive use of the facility for aquaculture business*".

*Gearhies Pier is in the ownership of John Murphy.* With respect, a working pier may not be considered an appropriate place for children to "*play or fish*". The primary function of the pier is the berthing of fishing vessels and vessels related to the aquaculture industry.

*The applicant does not intend to gain exclusive use of the pier.*

## **7. Climate Change**

Mr. Robert Burke's objection appears to claim that the proposed development will result in an impact on climate change, "*acid environment*" and "*low tide stench*". As far as the applicant is aware, a seaweed aquaculture site will not have a negative impact on any of these environmental issues.

## **8. Safety and Health**

Mrs. J Stretch states "*Already the pier is in an untidy and potentially hazardous place for children wishing to play or fish*".

Please refer to comments under section 6(c).

## **9. Traffic**

Mrs J Stretch states:

*"Heavy traffic coming and going to the Fastnet Mussel Factory has always been a problem.*

*This application would inevitably lead to an increase in these problems."*

The proposed macro-algae cultivation site is being installed for experimental purposes. There will be negligible exportation of the harvest as the material will be analysed in the adjacent research centre.

AQUACULTURE AND FORESHORE LICENCE APPLICATION FORM, for purposes of  
FISHERIES (AMENDMENT) ACT, 1997 and  
FORESHORE ACT, 1933

Accompanying Guidance Notes should be read before completing this form.

Note: Details provided in Parts 1 and 2 will be made available for public inspection. Details provided in Part 3 are confidential and are not for public disclosure.

Use block capitals in black ink

For Office Use
Application Ref. No. <b>15/430</b>
Date of receipt, (Dept stamp): <b>28 NOV 1998</b>
DEPARTMENT OF THE MARINE AND NATURAL RESOURCES

**PART 1: PRELIMINARY DETAILS**

Name(s) of Applicant(s) in full:

A. Fastnet Mussels Limited

B.     

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Address(es) of Applicant(s) in full:

A. <u>Gearhies,</u>	B. <u>    </u>
<u>Bantry,</u>	<u>    </u>
<u>Co Cork.</u>	<u>    </u>

Tel.: 027/61276 Fax: 027/61264      Tel.:      Fax:     

**TYPE OF APPLICATION** Insert X in relevant box

Indicate the relevant type of application:

- Aquaculture Licence	<input checked="" type="checkbox"/>
- Trial Licence	<input type="checkbox"/>
- Review of Aquaculture Licence	<input type="checkbox"/>
- Renewal of Aquaculture Licence	<input type="checkbox"/>
- Foreshore Licence	<input checked="" type="checkbox"/>

(This Application Form is valid for each type of application.)

**TYPE OF AQUACULTURE**

Indicate the relevant type of aquaculture

- Land-based	<input type="checkbox"/>
- Marine-based	<input type="checkbox"/>
- Shellfish	<input checked="" type="checkbox"/>
- extensive	<input type="checkbox"/>
- intensive	<input checked="" type="checkbox"/>
- Finfish	<input type="checkbox"/>

FL 2

1998 APPLICATION  
105/430

The following information should be provided:

- Sketch of the layout of the site in relation to the river, roads and buildings.
- Water Quality Analysis Report which should be drawn up in accordance with the parameters set out in Annex C of the Guidance Notes.

The following conditions must be met in order to allow for consideration of licensing of land-based activity:

- (a) the buildings and equipment must be put in place to the Department's satisfaction; and
- (b) the operation must comply with Local Authority requirements.

Marine-based Sites

(To be completed if appropriate)

Location - Bay: Bantry Bay (Whitehorse Point)  
 - County: County Cork  
 OS Map No: 117/130  
 Size (hectares): 36 Hectares  
 Species: Mussels / Oysters / Scallop

Finfish species include carp, eel, salmon, trout (brown, rainbow, or sea) and turbot.

Shellfish species include abalone, clam, cockle, crayfish, lobster, mussel, oyster (native or pacific), scallop and sea urchin.

Method of Culture: Single Submerged Longline System.

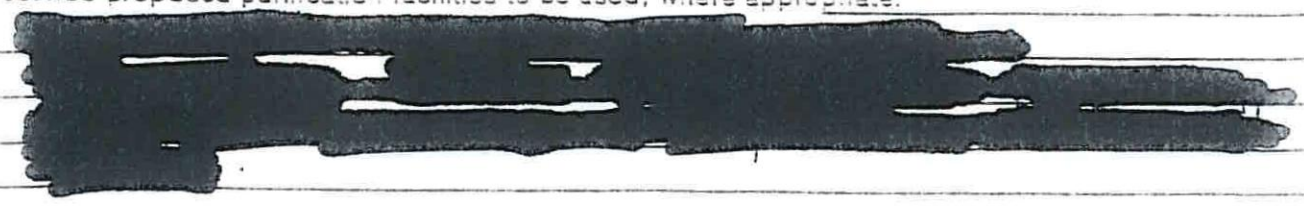
Method of culture includes use of the following: for finfish species, cage, net and tank; and for shellfish species, bag and trestle, bottom extensive culture, Bouquet pole clam mesh, lobster pot, longline, para net, plot system, raft rope, trap and tray.

Drawings of structures to be used in method of culture should be enclosed.

If cages or tanks are proposed, state:

- Number: \_\_\_\_\_
- Type and shape: \_\_\_\_\_
- Cubic capacity: \_\_\_\_\_
- Depth: \_\_\_\_\_
- Proposed specific site locations (with reasons): \_\_\_\_\_

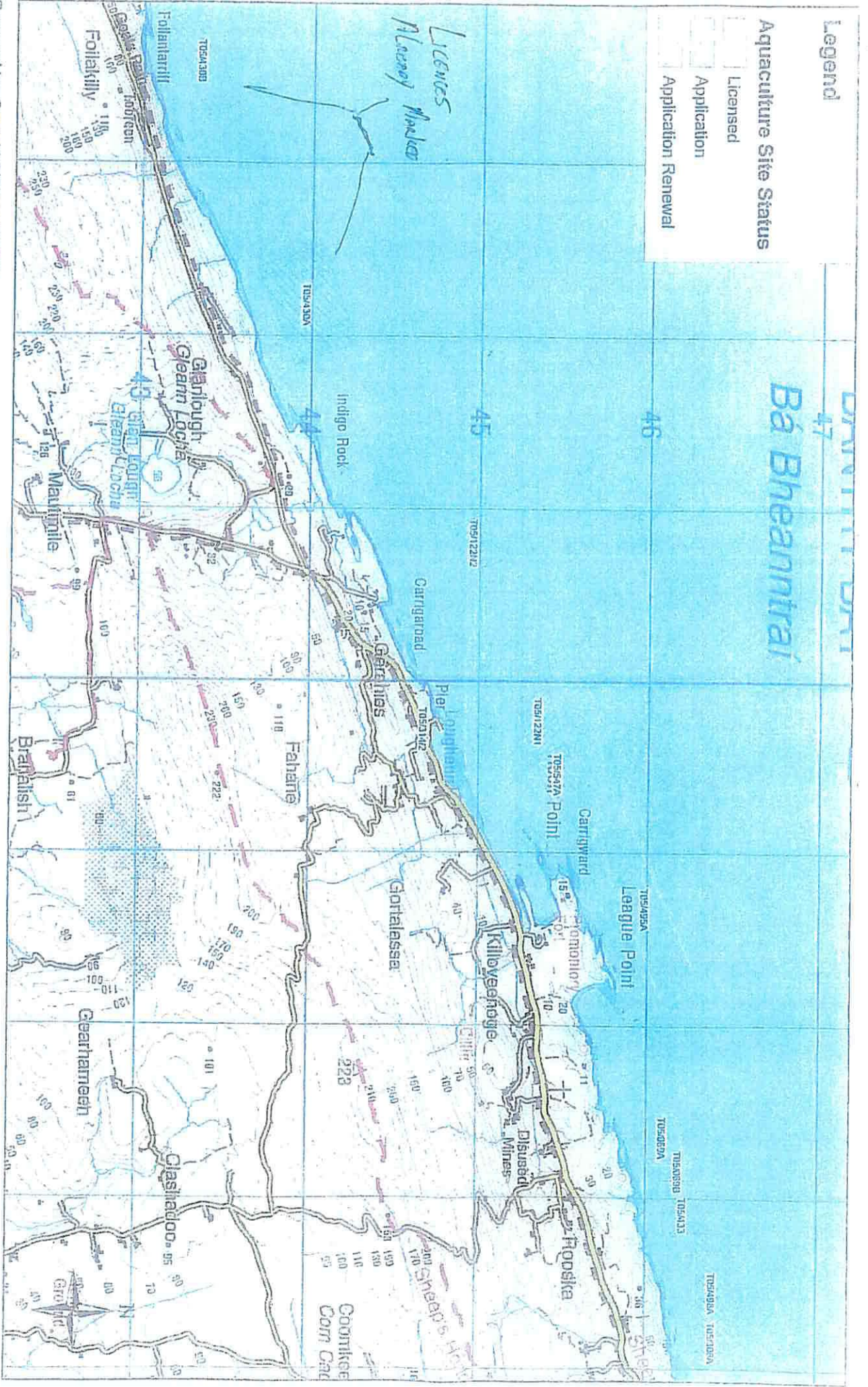
Describe proposed purification facilities to be used, where appropriate.



Legend

Aquaculture Site Status

- Licensed
- Application
- Application Renewal



Prepared by: Gearoid O'Shea, DAFM  
 Date: 08 September 2014  
 Scale: 1:20,000 @ A3

Location Map - Aquaculture Licence  
 Application Reference T05/547

Map data derived from the Ordnance Survey Ireland 1:50,000 scale topographic maps. The map is a reproduction of the original map and is not a substitute for the original map. The map is a reproduction of the original map and is not a substitute for the original map.