

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board



Submission re AP24/2019 Donegal Oceandeeep Oysters Ltd.

T12/397A, B, C

Sarah Gildea

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) | SARAH GILDEA | | |
| Address of Appellant | DERRYNESS, ARDARA, CO. DONEGAL | | |
| | | | |
| | | | |
| Phone: | | Email: | |
| Mobile: | | Fax: | |

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

Information in support of the Minister for Agriculture, Food and the Marine decision to refuse to grant an Aquaculture and Foreshore Licence to Donegal Océandéep Oysters for the cultivation of Pacific Oysters using bag and trestles in Loughros Mor Bay, Co. Donegal on site T12/397A, T12/397B and T12/397C.



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



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

T12/397A, T12/397B
T12/397C

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

A local resident of Derryness, Ardara who has serious concerns regarding the viability and future of her equestrian business should the granting of Aquaculture and foreshore licences ever be issued in Loughros Mor Bay.

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):

Please see attached documentation

Signed by appellant:

Sarah Cilldea

Date:

09 December 2019

**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 data collected for this purpose will be held by ALAB only as long as there is a business need to do so and may include publication on the ALAB website

Extracts from Act

40.—(1) A person aggrieved by a decision of the Minister on an application for an aquaculture licence or by the revocation or amendment of an aquaculture licence may, before the expiration of a period of one month beginning on the date of publication in accordance with this Act of that decision, or the notification to the person of the revocation or amendment, appeal to the Board against the decision, revocation or amendment, by serving on the Board a notice of appeal.

(2) A notice of appeal shall be served—

(a) by sending it by **registered post** to the Board,

(b) by **leaving it at the office of the Board**, during normal office hours, with a person who is apparently an employee of the Board, or

(c) by such other means as may be prescribed.

(3) The Board shall not consider an appeal notice of which is received by it later than the expiration of the period referred to in subsection (1)

41.—(1) For an appeal under *section 40* to be valid, the notice of appeal shall—

(a) be in writing,

(b) state the name and address of the appellant,

(c) state the subject matter of the appeal,

(d) state the appellant's particular interest in the outcome of the appeal,

(e) state in full the grounds of the appeal and the reasons, considerations and arguments on which they are based, and

(f) **be accompanied by such fee**, if any, as may be payable in respect of such an appeal in accordance with regulations under *section 63*, and

shall be accompanied by such documents, particulars or other information relating to the appeal as the appellant considers necessary or appropriate.

SUBMISSIONS REGARDING REFUSAL TO GRANT LICENCE T12/397A, T12/397B, T12397C

As per my previous letter of objection to T12/397A, T12/397B, T12397C, I Sarah Gildea am reaffirming my serious concerns regarding any consideration to issue Aquaculture and Foreshore licence's in Loughros Mor Bay, Ardara, Co. Donegal and the arguments on which my objections are based.

This bay and the beaches associated with Loughros Mor Bay are a public amenity. As a horse owner and breeder, I along with several other locals, have been using this amenity to train and exercise horses for over twenty years. It is of note that all others using Loughros Mor Bay to do same have already submitted objections to T12/397A, T12/397B, T12397C through the initial Department of Agriculture Food and the Marine public consultation process.

Born in Derryness, into a farming background, I have invested heavily in establishing my equine interests and career through education (BSc Equine Science at the University of Limerick), years spent selectively breeding good bloodlines and financially in building stables and equine training facilities. I recently made significant capital investment in the business through the procurement of lands at Folio DL57915F which is located adjacent to Ranny Point South and through this business continue to have an ongoing requirement for ancillary services e.g. agricultural contractors, feed suppliers, veterinary practitioners and farriers providing local employment in the area.

While I acknowledge that Loughros Mor Bay contains a total area of 1500 hectares, only a small portion of this bay which contains stable hard substrate is suitable for exercising and training horses. Any oyster trestle or bag deployment along with the associated equipment and debris in such an area will pose a significant risk to my horse's safety and welfare and to I in turn as a rider. Furthermore, the proposal of an alternative access route at Ranny Point South and the intensification of oyster trestles in this region would render my land located at Folio DL57915F completely inaccessible from the foreshore. Contrary to the facts stated in the ALAB appeal associated with T12/397A, T12/397B, T12397C the issuing of Aquaculture and Foreshore licence's in Loughros Mor Bay, Ardara, Co. Donegal would significantly impact my use of this public amenity and render my equestrian business completely unsustainable with immediate effect and I will undertake all means required to ensure that my entitlement to continue to use this public amenity in a safe manner is not displaced in any way nor is the welfare of my horses compromised. Applicant T12/397A, T12/397B, T12397C proposes minimum employment prospects should licencing be granted. The displacement of existing agricultural businesses with intensive oyster farming is in complete contradiction to the EU and the Irish Government led National Reserve and Young Farmer Schemes encouraging and facilitating generational reserve through the entrance of young and well-educated persons into the farming and agricultural sectors.

The significant effort required by local residents to ascertain and provide justification for their genuine reasons for concern regarding the licencing of oyster farms in Loughros Mor Bay defies belief. As does the labelling of anyone with such objection as nimby with little consideration given to the significant financial expense which is required by any member of the public who tries and protect their livelihood and the livelihood of future generations to come. As a Scientist, qualified to PhD level with >20 scientific papers published in peer reviewed scientific journals, I welcome all further input from specialised experts in the areas of Food Safety, Tourism, Economics, Ornithology, Wildlife, endangered species, Archaeology etc. and look forward to their endorsement of the decision by Mr Creed and the Department of Agriculture, Food and the Marine in the refusal of all Aquaculture and Foreshore licence's in Loughros Mor Bay.