



Appeal Form

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|-----------------------------------|-------------------------|--------|
| Name of Appellant (block letters) | Aoife Buckley | |
| Address of Appellant | Sliogeisc Siar Teoranta | |
| | 36 Mullan Mok | |
| | Tuam Road | |
| | GALWAY | |
| 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

Appeal for the refusal to Grant licence for site Reference T08/115A - native and Pacific Oysters using Bags and treestles float and bags, moulded baskets and longhairs.

Site Reference Number:- T08/115A

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- 1) *Due to the presence of the native oyster, *Ostrea edulis* as well as the presence of the non native invasive seaweed *Sargassum muticum* at Site T08/115A and the risk of the dispersal of *Sargassum muticum* beyond the boundaries of the site*

If there are no shellfish on a site, particularly in one with suitable substrates such as this, then there are often issues in relation to shellfish survivability. Therefore the presence of shellfish is a good determination of whether the site is viable as an aquaculture concern. I revisited the site to ascertain the densities of native oysters on the site and found them on the lowest sections at densities of approx 1 per 100m². This is normal for this entire bay, with many areas exhibiting much higher densities. Indeed, native oysters are present in low densities throughout inner Galway Bay. To use the presence of this species as a exclusionary factor would render most licences invalid. If there is a limit, then this limit should be defined so that potential applicants can discount this at the site selection stage.

Sargassum muticum is well documented as being common on most of the aquaculture sites in Galway Bay and indeed throughout the country and given its widespread coverage, should not be regarded as an issue in granting aquaculture licences. If the same criteria is applied to all other licence applications, then it is unlikely that many would be granted. Given that there are other oyster farms in close proximity on the southern side of the bay, it seems strange to single out this application.

- 2) *The physical suitability of the site for trestles is questionable only parts may be suitable. At the southern end of the site the substrate consists of mobile sands. The development as proposed would be likely to cause disturbance to the habitat if the boulder lines or parts of the boulder lines on the site were to be moved to allow trestle placement*

The geological definition of boulders is any rock in excess of 256mm and we cannot argue that rocks approximation to or slightly greater than this diameter are present on the site. However many are buried in the sediment and so do not present any issue in terms of access or farming and there was no intention of moving these as they do not present an impediment to the farm. The photos below capture the topography of the site and illustrate the available growing area. The engineers report does not refer to any issues in relation to the site sediment or boulders so it seems strange that its raised in the AA.

Mobile sediments are a feature of all marine sites bar those with particle size approaching armour rock proportions and this site was chosen due to the presence of good currents adjacent to the main channel, ensuring a continuous supply of phytoplankton needed to sustain the shellfish. A feature of such conditions are mobile sediments, which occur from time to time particularly when the strong tidal currents associated with spring tides are combined with funnelling swell and wave action at the narrow mouth of the bay. To confine sites to backwaters where mud and stable sediments dominate would, in general restrict the financial viability of farms.



Plate 1. This is the area located in the middle shore. Note the boulder size and it is hard to see how this would impact or restrict farming operations at the site. Sediments here are relatively stable as can be seen by the diatomaceous sludge on the surface.



Plate 2. This is the lower section of the site with some evidence of mobile sediments accumulating in the eddies behind barriers. These are indicative of good currents during spring tide/storm events which bring sufficient food to the shellfish to ensure a viable farm. Every farm is dependent on a constant renewable food source and most are located along channels such as this. To restrict activity due to mobile sediments would render most license inoperable.

- 3) *The site located within the Galway Bay SAC, An Article Appropriate Assessment has been carried out in relation to aquaculture activities in this SAC. Taking account of the recommendations of the Appropriate Assessment the proposed aquaculture activity at this site is not consistent with the Conservation Objectives for the SAC*

The initial AA covered all of Galway Bay and gave objectives for the entire SAC. However, this site got an individual assessment (mainly based on the issues outlined in 1& 2 above) that is not entirely consistent with the overall assessment. Given that we contend the issues above, if the board find in our favour on these issues, then issue 3 & 4 are rendered null and void.

- 4) The potential risks from licensing the proposed aquaculture activities at this site on the integrity of the Natura 2000 site cannot be discounted

This is a paraphrase and should not.

- 5) I feel that this licence application has been dealt with in a very untimely manner and there seems to be a lot of conflicting reports

The Licence application was received by the Department April 2018

In March 2019 meet with MED Edwina Forde and there were no issues with the site. T08/115A

In July 2019 the MED approved the access route submitted

In August 2019 the public notice was published in the Clare Champion as directed, there were NO objections submitted against this application in accordance with the regulations

4 months later in December 2019 the Aquaculture & Foreshore Management Division sent a letter stating that there was a claim to private ownership of the oyster bed, this claim was accepted after the time had lapsed for any objections in the Clare Champion. This claim seems to be unfounded as my solicitor requested more information and maps and nothing has been forthcoming. Also in the MED report in January 2019 it was marked there was no site overlap. I feel this has delayed the licence application and has financial cost the company

Then a MED from Kerry did another site inspection in July 2020, he reported that he met someone who knows someone that may have some harvesting rights and that the access point was not viable and he did not recommend licensing of this site .

In the MED report from Kerry there was no information/folios on the someone who knows someone who may have harvesting rights, No objections were submitted against the public notice published in the Clare Champion. The previous year the MED approved the access route and then the next MED from Kerry said it was not viable.

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(as allocated by the Department of Agriculture, Food and the Marine)

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

For the licence T08/115A to be granted so work can commence on site. It has taken over 2 1/2 years from submitting an application to get to this stage. Only in the last few months I feel unfounded issues have been raised to prevent the issuing of the licence. All correspondence available on request. Myself and legal team look forward to hearing from you.

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):

See attached 3 pages.

Signed by appellant:  Date: 26/11/20

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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

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

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