

**An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



Dr. David Lyons
Head of Marine Habitats and Species
National Parks & Wildlife Service
Custom House
Druid Lane
Flood Street
Galway
H91 XV2C

Email: David.lyons@npws.gov.ie

1 August 2023

Our Ref: AP3/2020
Site Ref: T12/407B

Re: Appeal by Save Ballyness Bay S.A.C Action Group of Killult, Falcarragh, Co. Donegal, F92 N6X6, against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture and Foreshore Licence to Mr Joseph Coll for authorisation to cultivate Pacific Oysters using bags and trestles on the inter-tidal foreshore in Ballyness Bay, County Donegal

Dear Dr. Lyons,

We refer to the above Appeal received by the Aquaculture Licences Appeals Board (“the Board”) on 02 January 2020 and to the Appropriate Assessment Report prepared by the Marine Institute dated February 2019 (“the AA Report”) in respect of Aquaculture Activities in Ballyness Bay including the proposed activity the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the “Consolidated DAFM file” at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2020/ap32020/#d.en.186752>

The AA Report was considered by the Board and it was found that further information and assessment was required in respect of the potential impact of the proposed activities the subject of Appeal Refs AP3/2020 to AP16/2/2020 on Annex II species, namely grey seal *Halichoerus grypus* and that negative impacts on populations in the nearby Horn Head and Rinclevan SAC (000147) could not be ruled out based on the available information. For example, no data was presented on the populations of seals using Ballyness Bay as a haul-out site.

Cúirt Choill Mhínsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

Guthán/Telephone: 057 8631912 R-phost/Email: info@alab.ie Láithreán Gréasáin/Website: www.alab.ie

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The Board is of the opinion that, in the particular circumstances of this Appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the matters referred to in this letter.

Therefore, in accordance with the provisions of section 46(1) of the Fisheries (Amendment) Act 1997 and Regulation 4 of the Aquaculture Appeals (EIA) Regulations 2012 (as amended), **ALAB HEREBY REQUESTS** you to make any submissions or observations you have in relation to the matters referred to in this letter. The Board would be grateful if, in particular, the NPWS would confirm whether it holds any data or information on grey seal populations in either Ballyness Bay or Horn Head and Rinclevan SAC, and if so, if this information could be provided to the Board.

Such submissions or observations must be received by ALAB not later than **1st September 2023**.

As noted above, the AA Report addressed a number of aquaculture activities within Ballyness Bay by way of a single report. The Minister decided to grant licences at 14 sites in Ballyness Bay, the subject of the AA Report, all of which have been appealed to ALAB (Appeal Refs. AP3-16/2020) including the decision to grant a licence for the above Appeal (T12/407B, AP3/2020).

The Board is accordingly issuing similar Section 46 requests to you in the other Appeals but would accept either individual submissions and observations on each appeal or a single composite response to all requests.

If the submissions or observations are not received before the expiration of the period specified above ALAB will, without further reference to you, determine the appeal.

Finally, please note that hard copies of the the Appropriate Assessment Report prepared by the Marine Institute dated February 2019 are available on request by contacting the undersigned by letter, email or phone - The Secretary, Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co Laois. R32 DTW5, Email: info@alab.ie. Phone: 057 8631912.

Yours sincerely,

Margaret Carton
Secretary to the Board

cc. Mr. Niall O'Donnchu, Director General, NPWS

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1 August 2023

Our Ref: AP4/1/2020
Site Ref: T12/409A

Re: Appeal by Mr John Boyle of Magheraroarty, Gortahork, Letterkenny, Co Donegal against the decision of the Minister for Agriculture, Food and the Marine to grant with variation an Aquaculture/Foreshore Licence to Edward & Paul O'Brien for authorisation to cultivate Clams on wooden trays under mesh on the inter-tidal /sub-tidal foreshore in Ballyness Bay, County Donegal

Dear Dr Lyons,

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<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2020/ap41-22020/#d.en.186931>

The AA Report was considered by the Board and it was found that further information and assessment was required in respect of the potential impact of the proposed activities the subject of Appeal Refs AP3/2020 to AP16/2/2020 on Annex II species, namely grey seal *Halichoerus grypus* and that negative impacts on populations in the nearby Horn Head and Rinclevan SAC (000147) could not be ruled out based on the available information. For example, no data was presented on the populations of seals using Ballyness Bay as a haul-out site.

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Secretary to the Board

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1 August 2023

Our Ref: AP4/2/2020
Site Ref: T12/409A

Re: Appeal by Save Ballyness Bay S.A.C. Action Group of Killult, Falcarragh, Co Donegal against the decision of the Minister for Agriculture, Food and the Marine to grant with variation an Aquaculture licence/Foreshore Licence to Edward & Paul O'Brien for authorisation to cultivate Clams on wooden trays under mesh on the inter-tidal /sub-tidal foreshore in Ballyness Bay, County Donegal

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1 August 2023

Our Ref: AP5/2020
Site Ref: T12/409B

Re: Appeal by Save Ballyness Bay S.AC. Action Group, Falcarragh, Co Donegal, F92 N6X6, against the decision of the Minister for Agriculture, Food and the Marine to grant a variation of Aquaculture/Foreshore Licences to Edward & Paul O'Brien for authorisation to cultivate Clams on wooden trays under mesh and Pacific Oyster using bags and trestles on the inter-tidal/sub-tidal foreshore in Ballyness Bay, County Donegal

Dear Dr Lyons,

We refer to the above Appeal received by the Aquaculture Licences Appeals Board ("the Board") on 02 January 2020 and to the Appropriate Assessment Report prepared by the Marine Institute dated February 2019 ("the AA Report") in respect of Aquaculture Activities in Ballyness Bay including the proposed activity the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the "Consolidated DAFM file" at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2020/ap52020/#d.en.186900>

The AA Report was considered by the Board and it was found that further information and assessment was required in respect of the potential impact of the proposed activities the subject of Appeal Refs AP3/2020 to AP16/2/2020 on Annex II species, namely grey seal *Halichoerus grypus* and that negative impacts on populations in the nearby Horn Head and Rinclevan SAC (000147) could not be ruled out based on the available information.

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For example, no data was presented on the populations of seals using Ballyness Bay as a haul-out site.

The Board is of the opinion that, in the particular circumstances of this Appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the matters referred to in this letter.

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1 August 2023

Our Ref: AP6/2020
Site Ref: T12/441A

Re: Appeal by Save Ballyness Bay S.A.C. Action Group of Killult, Falcarragh, Co Donegal, F92 N6X6, against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture/Foreshore Licence to Anthony McCafferty for authorisation to cultivate Pacific Oysters using bags and trestles and Clams using trays under mesh on the foreshore in Ballyness Bay, County Donegal

Dear Dr Lyons,

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The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the "Consolidated DAFM file" at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2020/ap62020/#d.en.186918>

The AA Report was considered by the Board and it was found that further information and assessment was required in respect of the potential impact of the proposed activities the subject of Appeal Refs AP3/2020 to AP16/2/2020 on Annex II species, namely grey seal *Halichoerus grypus* and that negative impacts on populations in the nearby Horn Head and Rinclevan SAC (000147) could not be ruled out based on the available information.

For example, no data was presented on the populations of seals using Ballyness Bay as a haul-out site.

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Therefore, in accordance with the provisions of section 46(1) of the Fisheries (Amendment) Act 1997 and Regulation 4 of the Aquaculture Appeals (EIA) Regulations 2012 (as amended), **ALAB HEREBY REQUESTS** you to make any submissions or observations you have in relation to the matters referred to in this letter. The Board would be grateful if, in particular, the NPWS would confirm whether it holds any data or information on grey seal populations in either Ballyness Bay or Horn Head and Rinclevan SAC, and if so, if this information could be provided to the Board.

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The Board is accordingly issuing similar Section 46 requests to you in the other Appeals but would accept either individual submissions and observations on each appeal or a single composite response to all requests.

If the submissions or observations are not received before the expiration of the period specified above ALAB will, without further reference to you, determine the appeal.

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Email: David.lyons@npws.gov.ie

1 August 2023

Our Ref: AP7/2020
Site Ref: T12/441B

Re: Appeal by Save Ballyness Bay S.A.C. Action Group of Killult, Falcarragh, Co Donegal, F92 N6X6, against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture/Foreshore Licence to Anthony McCafferty for authorisation to cultivate Pacific Oysters using bags and trestles on the foreshore in Ballyness Bay, County Donegal.

Dear Dr Lyons,

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The AA Report was considered by the Board and it was found that further information and assessment was required in respect of the potential impact of the proposed activities the subject of Appeal Refs AP3/2020 to AP16/2/2020 on Annex II species, namely grey seal *Halichoerus grypus* and that negative impacts on populations in the nearby Horn Head and Rinclevan SAC (000147) could not be ruled out based on the available information.

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1 August 2023

Our Ref: AP8/2020

Site Ref: T12/441C

Re: Appeal by Save Ballyness Bay S.A.C. Action Group of Killult, Falcarragh, Co Donegal, F92 N6X6, against the decision of the Minister for Agriculture, Food and the Marine to grant Aquaculture/Foreshore Licence to Anthony McCafferty for authorisation to cultivate Pacific Oysters using bags and trestles on the foreshore in Ballyness Bay, County Donegal

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H91 XV2C

Email: David.lyons@npws.gov.ie

1 August 2023

Our Ref: AP9/2020
Site Ref: T12/455A

Re: Appeal by Save Ballyness Bay S.A.C. Action Group of Killult, Falcarragh, Co Donegal, F92 against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture and Foreshore Licence to Seamus O'Donnell for authorisation to cultivate Pacific Oysters using bags and trestles on the foreshore in Ballyness Bay, County Donegal

Dear Dr Lyons,

We refer to the above Appeal received by the Aquaculture Licences Appeals Board ("the Board") on 02 January 2020 and to the Appropriate Assessment Report prepared by the Marine Institute dated February 2019 ("the AA Report") in respect of Aquaculture Activities in Ballyness Bay including the proposed activity the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the "Consolidated DAFM file" at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2020/ap92020/#d.en.186881>

The AA Report was considered by the Board and it was found that further information and assessment was required in respect of the potential impact of the proposed activities the subject of Appeal Refs AP3/2020 to AP16/2/2020 on Annex II species, namely grey seal *Halichoerus grypus* and that negative impacts on populations in the nearby Horn Head and Rinclevan SAC (000147) could not be ruled out based on the available information.

For example, no data was presented on the populations of seals using Ballyness Bay as a haul-out site.

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Láithreán Gréasáin/Website: www.alab.ie

An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



The Board is of the opinion that, in the particular circumstances of this Appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the matters referred to in this letter.

Therefore, in accordance with the provisions of section 46(1) of the Fisheries (Amendment) Act 1997 and Regulation 4 of the Aquaculture Appeals (EIA) Regulations 2012 (as amended), ALAB HEREBY REQUESTS you to make any submissions or observations you have in relation to the matters referred to in this letter. The Board would be grateful if, in particular, the NPWS would confirm whether it holds any data or information on grey seal populations in either Ballyness Bay or Horn Head and Rinclevan SAC, and if so, if this information could be provided to the Board.

Such submissions or observations must be received by ALAB not later than **1st September 2023**.

As noted above, the AA Report addressed a number of aquaculture activities within Ballyness Bay by way of a single report. The Minister decided to grant licences at 14 sites in Ballyness Bay, the subject of the AA Report, all of which have been appealed to ALAB (Appeal Refs. AP3-16/2020) including the decision to grant a licence for the above Appeal (T12/455A, AP9/2020).

The Board is accordingly issuing similar Section 46 requests to you in the other Appeals but would accept either individual submissions and observations on each appeal or a single composite response to all requests.

If the submissions or observations are not received before the expiration of the period specified above ALAB will, without further reference to you, determine the appeal.

Finally, please note that hard copies of the the Appropriate Assessment Report prepared by the Marine Institute dated February 2019 are available on request by contacting the undersigned by letter, email or phone - The Secretary, Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co Laois. R32 DTW5, Email: info@alab.ie. Phone: 0578631912.

Yours sincerely,

A handwritten signature in cursive script that reads 'Margaret Carton'.

Margaret Carton
Secretary to the Board

cc. Mr. Niall O'Donnchu, Director General, NPWS

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An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



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Email: David.lyons@npws.gov.ie

1 August 2023

Our Ref: AP10/2020
Site Ref: T12/455B

Re: Appeal by Save Ballyness Bay S.A.C. Action Group of Killult, Falcarragh, Co Donegal, F92 N6X6 against the decision of the Minister for Agriculture, Food and the Marine to grant with variation an Aquaculture/Foreshore Licence to Seamus O'Donnell for authorisation to cultivate Pacific Oysters using bags and trestles on the foreshore in Ballyness Bay, County Donegal

Dear Dr Lyons,

We refer to the above Appeal received by the Aquaculture Licences Appeals Board ("the Board") on 02 January 2020 and to the Appropriate Assessment Report prepared by the Marine Institute dated February 2019 ("the AA Report") in respect of Aquaculture Activities in Ballyness Bay including the proposed activity the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the "Consolidated DAFM file" at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2020/ap102020/#d.en.186919>

The AA Report was considered by the Board and it was found that further information and assessment was required in respect of the potential impact of the proposed activities the subject of Appeal Refs AP3/2020 to AP16/2/2020 on Annex II species, namely grey seal *Halichoerus grypus* and that negative impacts on populations in the nearby Horn Head and Rinclevan SAC (000147) could not be ruled out based on the available information. For example, no data was presented on the populations of seals using Ballyness Bay as a haul-out site.

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An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



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Flood Street
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H91 XV2C

Email: David.lyons@npws.gov.ie

1 August 2023

Our Ref: AP11/2020
Site Ref: T12/500A

Re: Appeal by Save Ballyness Bay S.A.C. Action Group of Killult, Falcarragh, Co Donegal, F92 N6X6 against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture/Foreshore Licence to Joseph Coll for authorisation to cultivate Pacific Oysters using bags and trestles on the inter-tidal foreshore in Ballyness Bay, County Donegal

Dear Dr Lyons,

We refer to the above Appeal received by the Aquaculture Licences Appeals Board (“the Board”) on 02 January 2020 and to the Appropriate Assessment Report prepared by the Marine Institute dated February 2019 (“the AA Report”) in respect of Aquaculture Activities in Ballyness Bay including the proposed activity the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the “Consolidated DAFM file” at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2020/ap112020/#d.en.186920>

The AA Report was considered by the Board and it was found that further information and assessment was required in respect of the potential impact of the proposed activities the subject of Appeal Refs AP3/2020 to AP16/2/2020 on Annex II species, namely grey seal *Halichoerus grypus* and that negative impacts on populations in the nearby Horn Head and Rinclevan SAC (000147) could not be ruled out based on the available information. For example, no data was presented on the populations of seals using Ballyness Bay as a haul-out site.

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Secretary to the Board

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Email: David.lyons@npws.gov.ie

1 August 2023

Our Ref: AP12/2020
Site Ref: T12/502A

Re: Appeal by Save Ballyness Bay S.A.C. Action Group of Killult, Falcarragh, Co Donegal, F92 N6X6 against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture and Foreshore Licence to Joseph Coll for authorisation to cultivate Pacific Oysters using bags and trestles on the foreshore in Ballyness Bay, County Donegal

Dear Dr Lyons,

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<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2020/ap122020/#d.en.186902>

The AA Report was considered by the Board and it was found that further information and assessment was required in respect of the potential impact of the proposed activities the subject of Appeal Refs AP3/2020 to AP16/2/2020 on Annex II species, namely grey seal *Halichoerus grypus* and that negative impacts on populations in the nearby Horn Head and Rinclevan SAC (000147) could not be ruled out based on the available information. For example, no data was presented on the populations of seals using Ballyness Bay as a haul-out site.

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Aquaculture Licences Appeals Board**



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Email: David.lyons@npws.gov.ie

1 August 2023

Our Ref: AP13/1/2020

Site Ref: T12/510A

Re: Appeal by Coiste Glan agus Glas an Fhál Carraigh (Falcarragh Tidy Towns Committee) agus Cósta Glan agus Glas an Fhál Carraigh, (Falcarragh Clean Coast Group) Maire Ui Bhaoill (Cathaoirleach) Oifigi eile: Maire Ui Chasaide, Brian Maguire, Dervla Collins, Sandy Alcorn, Tom Feeney, Sarah Sayers of Cill Ulta, An Fál Carrach, Contae Dhún na nGall against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture and Foreshore Licence to Tullyshellfish Ltd for authorisation to cultivate Pacific Oysters using bags and trestles on the inter-tidal foreshore in Ballyness Bay, County Donegal

Dear Dr Lyons,

We refer to the above Appeal received by the Aquaculture Licences Appeals Board ("the Board") on 2 January 2020 and to the Appropriate Assessment Report prepared by the Marine Institute dated February 2019 ("the AA Report") in respect of Aquaculture Activities in Ballyness Bay including the proposed activity the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the consolidated DAFM file at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2020/ap131-32020/#d.en.186951>

The AA Report was considered by the Board and it was found that further information and assessment was required in respect of the potential impact of the proposed activities the subject of Appeal Refs AP3/2020 to AP16/2/2020 on Annex II species, namely grey seal *Halichoerus grypus* and that negative impacts on populations in the nearby Horn Head and Rinclevan SAC (000147) could not be ruled out based on the available information. For

Cúirt Choill Mhínsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
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The Board is accordingly issuing similar Section 46 requests to you in the other Appeals but would accept either individual submissions and observations on each appeal or a single composite response to all requests.

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Secretary to the Board

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**An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



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1 August 2023

Our Ref: AP13/2/2020

Site Ref: T12/510A

Re: Appeal by Falcarragh Tourists & Traders Association, Falcarragh, Letterkenny Co Donegal against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture and Foreshore Licence to Tullyshellfish Ltd for authorisation to cultivate Pacific Oysters using bags and trestles on the inter-tidal foreshore in Ballyness Bay, County Donegal

Dear Dr Lyons,

We refer to the above Appeal received by the Aquaculture Licences Appeals Board ("the Board") on 2 January 2020 and to the Appropriate Assessment Report prepared by the Marine Institute dated February 2019 ("the AA Report") in respect of Aquaculture Activities in Ballyness Bay including the proposed activity the subject of this Appeal.

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<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2020/ap131-32020/#d.en.186951>

The AA Report was considered by the Board and it was found that further information and assessment was required in respect of the potential impact of the proposed activities the subject of Appeal Refs AP3/2020 to AP16/2/2020 on Annex II species, namely grey seal *Halichoerus grypus* and that negative impacts on populations in the nearby Horn Head and Rinclevan SAC (000147) could not be ruled out based on the available information.

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Aquaculture Licences Appeals Board



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Email: David.lyons@npws.gov.ie

1 August 2023

Our Ref: AP13/3/2020
Site Ref: T12/510A

Re: Appeal by Save Ballyness Bay S.A.C. Action Group of Killult, Falcarragh, Co Donegal F92 N6X6 against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture and Foreshore Licence to Tully Shellfish Ltd for authorisation to cultivate Pacific Oysters using bags and trestles on the inter-tidal foreshore in Ballyness Bay, County Donegal

Dear Dr Lyons,

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1 August 2023

Our Ref: AP14/2020

Site Ref: T12/514A

Re: Appeal by Save Ballyness Bay S.A.C. Action Group of Killult, Falcarragh, Co Donegal, F92 N6X6 against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture and Foreshore Licence to Joseph Coll for authorisation to cultivate Pacific Oysters using bags and trestles on the inter-tidal foreshore in Ballyness Bay, County Donegal

Dear Dr Lyons,

We refer to the above Appeal received by the Aquaculture Licences Appeals Board ("the Board") on 2 January 2020 and to the Appropriate Assessment Report prepared by the Marine Institute dated February 2019 ("the AA Report") in respect of Aquaculture Activities in Ballyness Bay including the proposed activity the subject of this Appeal.

The AA Report and further details of the nature and extent of the proposed aquaculture activity the subject of the Appeal can be found in the consolidated DAFM file at:

<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2020/ap142020/#d.en.186905>

The AA Report was considered by the Board and it was found that further information and assessment was required in respect of the potential impact of the proposed activities the subject of Appeal Refs AP3/2020 to AP16/2/2020 on Annex II species, namely grey seal *Halichoerus grypus* and that negative impacts on populations in the nearby Horn Head and Rinclevan SAC (000147) could not be ruled out based on the available information. For example, no data was presented on the populations of seals using Ballyness Bay as a haul-out site.

Cúirt Choill Mhinsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

The Board is of the opinion that, in the particular circumstances of this Appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the matters referred to in this letter.

Therefore, in accordance with the provisions of section 46(1) of the Fisheries (Amendment) Act 1997 and Regulation 4 of the Aquaculture Appeals (EIA) Regulations 2012 (as amended), **ALAB HEREBY REQUESTS** you to make any submissions or observations you have in relation to the matters referred to in this letter. The Board would be grateful if, in particular, the NPWS would confirm whether it holds any data or information on grey seal populations in either Ballyness Bay or Horn Head and Rinclevan SAC, and if so, if this information could be provided to the Board.

Such submissions or observations must be received by ALAB not later than **1st September 2023**.

As noted above, the AA Report addressed a number of aquaculture activities within Ballyness Bay by way of a single report. The Minister decided to grant licences at 14 sites in Ballyness Bay, the subject of the AA Report, all of which have been appealed to ALAB (Appeal Refs. AP3-16/2020) including the decision to grant a licence for the above Appeal (T12/514A, AP14/2020).

The Board is accordingly issuing similar Section 46 requests to you in the other Appeals but would accept either individual submissions and observations on each appeal or a single composite response to all requests.

If the submissions or observations are not received before the expiration of the period specified above ALAB will, without further reference to you, determine the appeal.

Finally, please note that hard copies of the the Appropriate Assessment Report prepared by the Marine Institute dated February 2019 are available on request by contacting the undersigned by letter, email or phone - The Secretary, Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co Laois. R32 DTW5, Email: info@alab.ie Phone: 057 8631912.

Yours sincerely,



Margaret Carton
Secretary to the Board

cc. Mr. Niall O'Donnchu, Director General, NPWS

Cúirt Choill Mhinsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

**An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



Dr. David Lyons
Head of Marine Habitats and Species
National Parks & Wildlife Service
Custom House
Druid Lane
Flood Street
Galway
H91 XV2C

Email: David.lyons@npws.gov.ie

1 August 2023

Our Ref: AP15/2020

Site Ref: T12/515A

Re: Appeal by Save Ballyness Bay S.A.C. Action Group, Killult, Falcarragh, Co Donegal, F92 N6X6 against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture and Foreshore Licence to Joseph Coll for authorisation to cultivate Pacific Oysters using bags and trestles on the inter-tidal foreshore in Ballyness Bay, County Donegal

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<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2020/ap152020/#d.en.186906>

The AA Report was considered by the Board and it was found that further information and assessment was required in respect of the potential impact of the proposed activities the subject of Appeal Refs AP3/2020 to AP16/2/2020 on Annex II species, namely grey seal *Halichoerus grypus* and that negative impacts on populations in the nearby Horn Head and Rinclevan SAC (000147) could not be ruled out based on the available information. For example, no data was presented on the populations of seals using Ballyness Bay as a haul-out site.

Cúirt Choill Mhínsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
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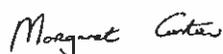
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1 August 2023

Our Ref: AP16/1/2020

Site Ref: T12/516A

Re: Appeal by Mr Joe Friel of Killult, Falcarragh, Co Donegal against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture and Foreshore Licence to Joseph Coll for authorisation to cultivate Pacific Oysters using bags and trestles on the inter-tidal foreshore in Ballyness Bay, County Donegal.

Dear Dr Lyons,

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<https://alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2020/ap161-22020/#d.en.186935>

The AA Report was considered by the Board and it was found that further information and assessment was required in respect of the potential impact of the proposed activities the subject of Appeal Refs AP3/2020 to AP16/2/2020 on Annex II species, namely grey seal *Halichoerus grypus* and that negative impacts on populations in the nearby Horn Head and Rinclevan SAC (000147) could not be ruled out based on the available information.

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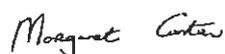
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Email: David.lyons@npws.gov.ie

1 August 2023

Our Ref: AP16/2/2020
Site Ref: T12/516A

Re: Appeal by Save Ballyness Bay S.A.C. Action Group of Killult, Falcarragh, Co Donegal, F92 N6X6 against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture and Foreshore Licence to Joseph Coll for authorisation to cultivate Pacific Oysters using bags and trestles on the inter-tidal foreshore in Ballyness Bay, County Donegal

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