



Technical Advisor Report

Aquaculture Licences Appeals Board

AP12/2018 - Broadhaven

October 2019

Report Prepared For:

ALAB
Kilminchy Court
Dublin Road
Portlaoise
Co. Laois
R32DTW5

Project Ref: ECOE17 013**Prepared By:** Eoin Cussen MSc**Reviewed By:** Maeve Riley MCIEEM**Approved By:** John Thompson MCIEEM**Date:** 17/10/2019



Appeal Ref No. AP 12/2018

Aquaculture Licences Appeals Board

Technical Advisor's Report

Description: Assessment of the appeal against the Minister's decision to refuse an aquaculture and foreshore licence for the cultivation of Pacific oysters in two sites in Broadhaven Bay, Co. Mayo.

Licence Application

Department Ref No: T10/081

Applicant(s): Tony McGrath, Pulathomas, Ballina, Co. Mayo

Minister's Decision: Licence Refused

Appeal

Type of Appeal: Appeal against the decision of the Minister for Agriculture, Food and the Marine to refuse the renewal of an Aquaculture and Foreshore Licences to Mr Tony McGrath for the cultivation of pacific oysters on the foreshore at two different sites in Broadhaven Bay (AP10/081 A & B).

Appellant(s): Tony McGrath

Observers:

Technical Advisor: EcoÉireann Ecological Consultants

Date of site Inspection: Site Inspection carried out on Wednesday 12th June 2019, by Eoin Cussen (See Appendix 2)

Document Control

Version	Date	Changes	Confidentiality	Prep	Rev	Auth
V1	29/04/2019	Draft to client		EC	TW	HB
V2	17/06/2019	Incorporation of client comments		EC		
V3	17/10/2019	Final to Client		EC		
V4	22/10/2019	Final with Tracked Changes		EC		

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1.0 General Matters / Appeal Details

1.1 Appeal Details & Observer Comments / Submissions

Date Appeal Received: AP12/2018 was received by ALAB on 15th October 2018

Location of Site Appealed: Sruwaddacon Bay, Broadhaven, Co. Mayo (numbered T 10/81 A, T 10/81 B)

1.2 Name of Appellant (s):

Tony McGrath, Pullathomas, Ballina, Co. Mayo

1.3 Name of Observer (s)

There were no objections/comments received from the public consultation process

1.4 Grounds for Appeal

1.4.1 Substantive Issues

The appellant laid out 5 key issues in relation to the ministers refusal, these issues are as follows;

1. *The Appellant states that the reasons for refusal are outside the scope of the Fisheries Act (Fisheries Amendment Act 1997)*
2. *The Appellant was not given notice or allowed to give submissions on revoking the licence which was in place*
3. *The Appellant was not informed of a site inspection of the oyster bed sites in the application*
4. *Since a substantial landslide which damaged property and impacted water quality, market production from the oyster beds was not possible*
5. *Issues arising from the Corrib Gas Project relating to concern of the viability of the site for producing oysters and violence in the area rendered the appellants site(s) unusable and operations difficult*

1.4.2 Non-Substantive Issues

There were no non-substantive issues.

1.5 Minister's submission

Section 44 of the Fisheries (Amendment) Act 1997 states that:

"The Minister and each other party except the Appellant may make submissions or observations in writing to the Board in relation to the appeal within a period of one month beginning on the day on which a copy of the notice of appeal is sent to that party by the Board and any submissions or observations received by the Board after the expiration of that period shall not be considered by it."

The Minister made the following decision on the application:

"The Minister for Agriculture, Food and the Marine has determined that it is in public Interest to refuse to grant the licences sought. In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with the statutory provisions. The reasons and considerations for the Minister's determination to refuse to grant the licences sought is that the sites have been in a state of disuse during much of the previous licensed period and, consequently, it would not be in the public interest to grant further licences for aquaculture at these two sites."

1.6 Applicant response

The Applicant may submit a response to appeal submissions under the provision set out in Section 44(2) of the Fisheries (Amendment Act) 1997 which states:

"The Minister and each other party except the Appellant may make submissions or observations in writing to the Board in relation to the appeal within a period of one month beginning on the day on which a copy of the notice of appeal is sent to that party by the Board and any submissions or observations received by the Board after the expiration of that period shall not be considered by it."

In this case the Applicant has made a submission as the Appellant.

2.0 Consideration of Non-Substantive Issues

There were no non-substantive issues raised.

3.0 Oral Hearing Assessment

An oral hearing has been requested by the Appellant.

It is the opinion of the technical advisor that an oral hearing is not required for this site where there is no conflicting technical information on relevant and significant aspects of the appeal.

4.0 Minister's file

Details of the file received from the Minister requested under Section 43 are listed here in chronological order.

Table 1 Details of the file received from the Minister.

No.	Item
1	Application for Aquaculture and Foreshore licence renewal for T10/081 sites A&B, including maps and drawings.
2	Submission to Minister for Aquaculture Licence and Foreshore Licence.
3	Notification to Application of Minister's decision.
4	Notification to ALAB to Minister's decision.
5	Publication of Ministerial decision in 'The Mayo News'
6	Maps of sites.

5.0 Context of the Area

5.1 Physical descriptions

5.1.1 Site Location

The sites in question (T10/81A&B) are situated in the intertidal area of Sruwaddacon Bay, in the eastern portion of Broadhaven Bay, in North-West Co. Mayo between 0.6km and 1.2km north north-west of Pulathomas and 1.2km and 1.7km south south-west of Rossport. Sruwaddacon Bay is an almost entirely enclosed tidal estuary (see Figure 1).

Sruwaddacon bay is a tidal estuary ~~is of~~ c.8.39km² consisting of a north-westerly orientated main channel fed by both the Glenamoy and Muingnabo rivers, which feed into the Sruwaddacon ~~bay~~ Bay 4.6 km 6km to the east of the sites in question, both rivers drain significant areas of the Glenamoy ~~bog~~ Bog complex SAC, with the glenamoy also draining portions of the Slieve Fyagh Bog SAC. Several minor streams also discharge directly into the bay, one of which is directly south of the sites in question (CRFB, 2008).

The village of Kilcommon lies directly south of the sites, while the village of Rossport lies directly north across the bay from the sites

The Sruwaddacon Bay is not in a designated shellfish area.

The MED reported that from a visual aspect there will be no obstruction or degradation of the views towards visually venerable features or significant alterations to the appearance or character of the sensitive area. The population density in the area is low and visibility of the site from public views is low. The sites are located within the Glenamoy Bog Complex SAC and Blacksod Bay/ Broadhaven Bay SPA.

Figure 1 Site Locations



5.2 Resources Users

5.2.1 Tourism

The Wild Atlantic Way [tourist trail](#), WAW, passes the sites in question to the east and south along Local road L1202. The MED have reported that from a visual aspect there will be no obstruction or degradation of the views towards visually vulnerable features or significant alterations to the appearance or character of the sensitive area.

5.2.2 Agricultural Activity

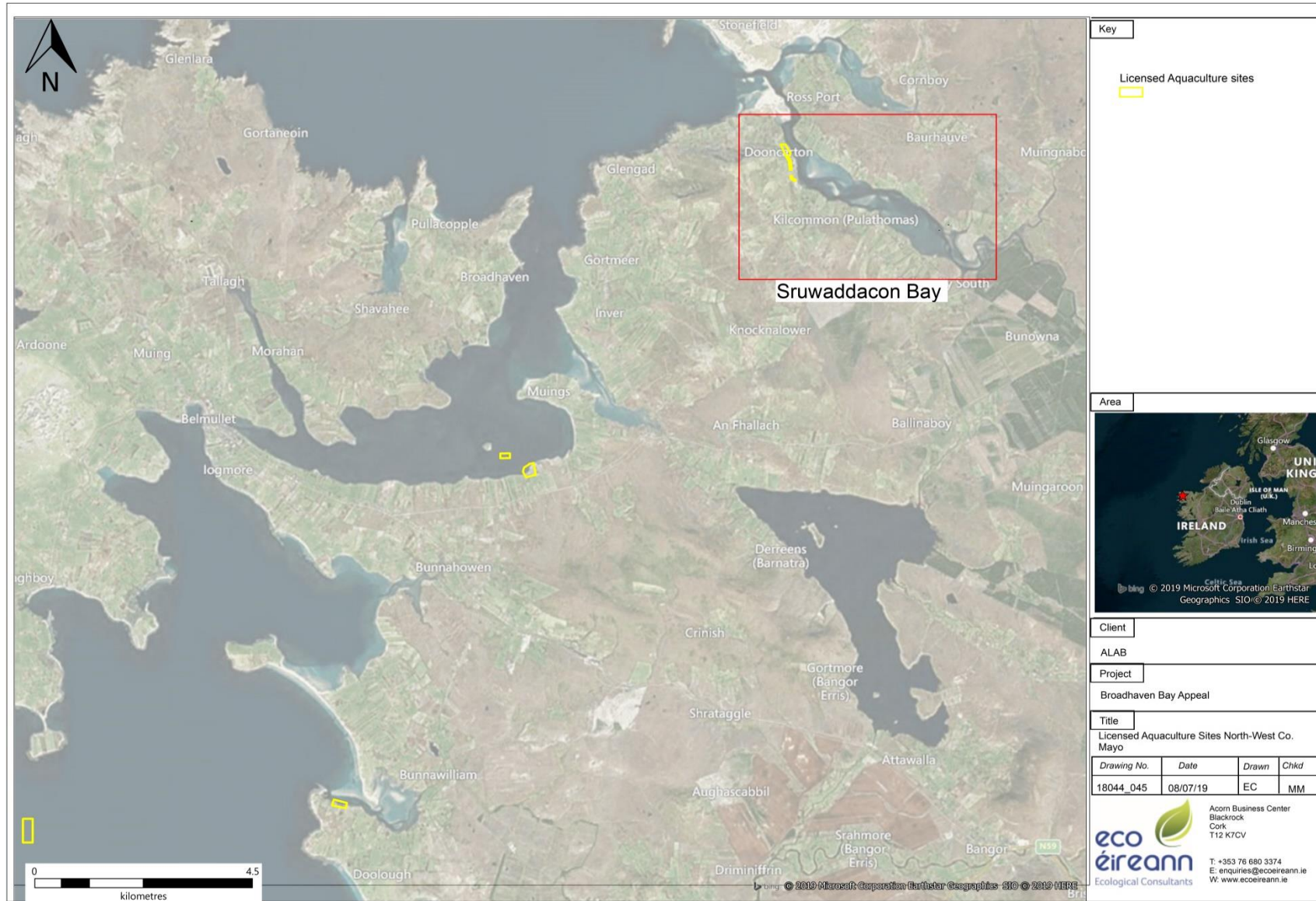
Sruwaddacon Bay is surrounded by mountainous upland blanket bog; despite this agriculture still thrives in the lowland coastal areas. The majority of which is livestock grazing, with a large portion being cattle for dairy (Teagasc Mayo, 2015). [Aquaculture activities do not negatively impact on land-based agriculture.](#)

5.2.3 Inshore Fishing activity

The MED reported that there is little other fishing and marine leisure in the area.

There [are no licensed aquaculture activities within the vicinity of the proposed sites. The closest sites lie 8.4 km to the south-west \(see Figure 2\). Where there 2 licensed aquaculture activities. One of which is licensed for the cultivation of various seaweed species, both brown and red, using submerged steel tables/ frames on the seabed. The other is a pump ashore land-based aquaculture licence for the cultivation of abalone and sea urchins \(Marine Institute, 2017\).](#)

Figure 3 SACs in Proximity to Proposed Sites



5.3 Environmental Data

Sruwaddacon Bay is a dynamic ecosystem comprised of a transitional zone between freshwater inputs, from the Glenamoy and Muingnabo rivers and various small streams, and the fully marine environment of Broadhaven Bay. The entire estuary is continuously swept by semi-diurnal tides. A physio-chemical analysis of the bay was carried out in line with the Corrib Onshore Pipeline EIS (RPS, 2010). This analysis showed that heavy and trace metals, for the most part, were at relatively low concentrations equal to or lower than the OSPAR EAC limit; and hydrocarbons, the majority of which fell below the level of 100ppm. Sulphides were undetectable.

5.4 Statutory Status

5.4.1 Nature Conservation Designations

The sites are located within the Glenamoy Bog Complex SAC ([site code: 000500](#)) and Blacksod Bay/Broadhaven Bay SPA ([site code: 004037](#)). [Sruwaddacon bay is adjacent to and drains into the much larger Broadhaven Bay, which is designated as a SAC, Broadhaven Bay SAC \(site code: 000472\) \(see Figures 2 & 3, below\).](#)

[Broadhaven Bay SAC is a large, north facing bay in northern Co. Mayo. It is designated for the presence of 5 habitats listed on Annex I of the EU Habitats Directive, listed below \(NPWS, 2014b & 2014c\);](#)

- [Tidal Mudflats and Sandflats \[1140\]](#)
- [Large Shallow Inlets and Bays \[1160\]](#)
- [Reefs \[1170\]](#)
- [Atlantic Salt Meadows \[1330\]](#)
- [Sea Caves \[8330\]](#)

The [Glenamoy Bog Complex SAC is an extensive varied coastal site designated for the presence of the following habitats and species listed on Annex I and II of the EU Habitats Directive\(*=priority, numbers in brackets are Natura 2000 codes\) \(NPWS, 2013a\);](#)

- | | |
|---|---|
| • Vegetated sea cliffs [1230] | • Rhynchosporion Vegetation [7150] |
| • Machairs* [21A0] | • Atlantic Salmon (<i>Salmo salar</i>) [1106] |
| • Dystrophic lakes [3160] | • Slender Green Feather-moss (<i>Drepanocladus vernicosus</i>) [1393] |
| • Wet Heath [4010] | • Petalwort (<i>Petalophyllum ralfsii</i>) [1395] |
| • Juniper Scrub [5130] | • Marsh Saxifrage (<i>Saxifraga hirculus</i>) [1528] |
| • Blanket Bogs (Active)* [7130] | |
| • Transition Mires [7140] | |

[Blacksod Bay/ Broadhaven Bay SPA is situated in the extreme north-west of Co. Mayo, the site comprises a number of bays and inlets including Sruwaddacon Bay, Moyrahan Bay, Traw-Kirtaun, Blind Harbour, Tullaghan Bay, and the various sheltered bays and inlets in Blacksod Bay, including Trawmore Bay, Feorinyeeo Bay, Saleen Harbour, Elly Bay and Elly Harbour \(NPWS, 2013b\).](#)

The site supports an excellent diversity of wintering waterfowl species and is one of the most important wetland complexes in the west. With internationally important numbers of Great Northern Diver *Gavia immer* and Light-bellied Brent Geese *Branta bernicla hrota* and Nationally important numbers of (NPWS, 2013b);

- Common Scooter *Melanitta nigra*
- Red-breasted Merganser *Mergus serrator*
- Ringed Plover *Charadrius hiaticula*
- Sanderling *Calidris alba*
- Dunlin *Calidris alpina alpina*
- Bar-tailed Godwit *Limosa lapponica*
- Curlew *Numenius arquata*
- Sandwich Tern *Sterna sandvecensis*

A number of other bird species have been recorded using the site, including;

- Shelduck
- Mallard
- Red-throated Diver
- Oystercatcher
- Golden Plover
- Grey Plover
- Knot
- Redshank
- Turnstone
- Black-headed Gull
- Common Gull

Figure 3 SACs in Proximity to Proposed Sites

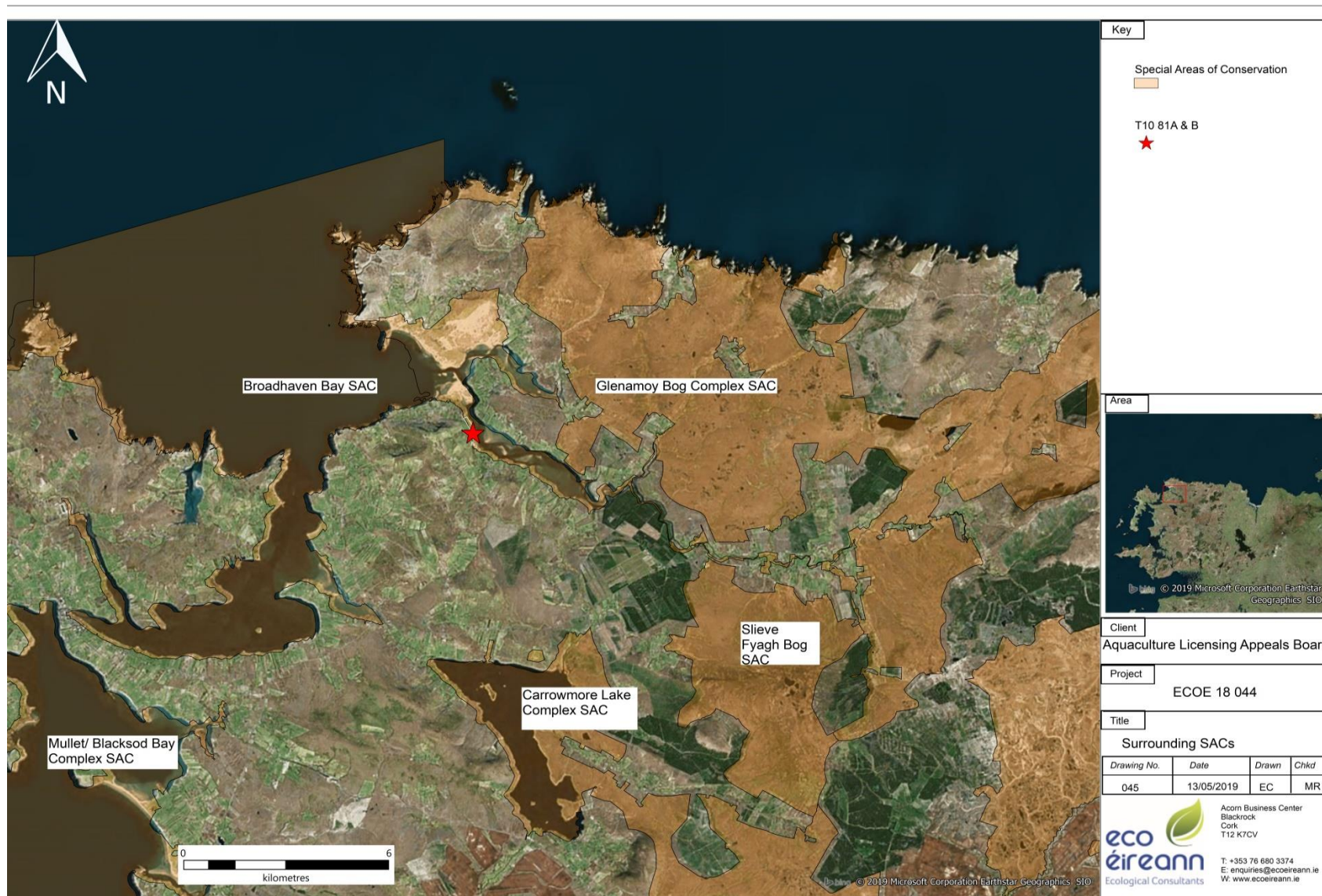
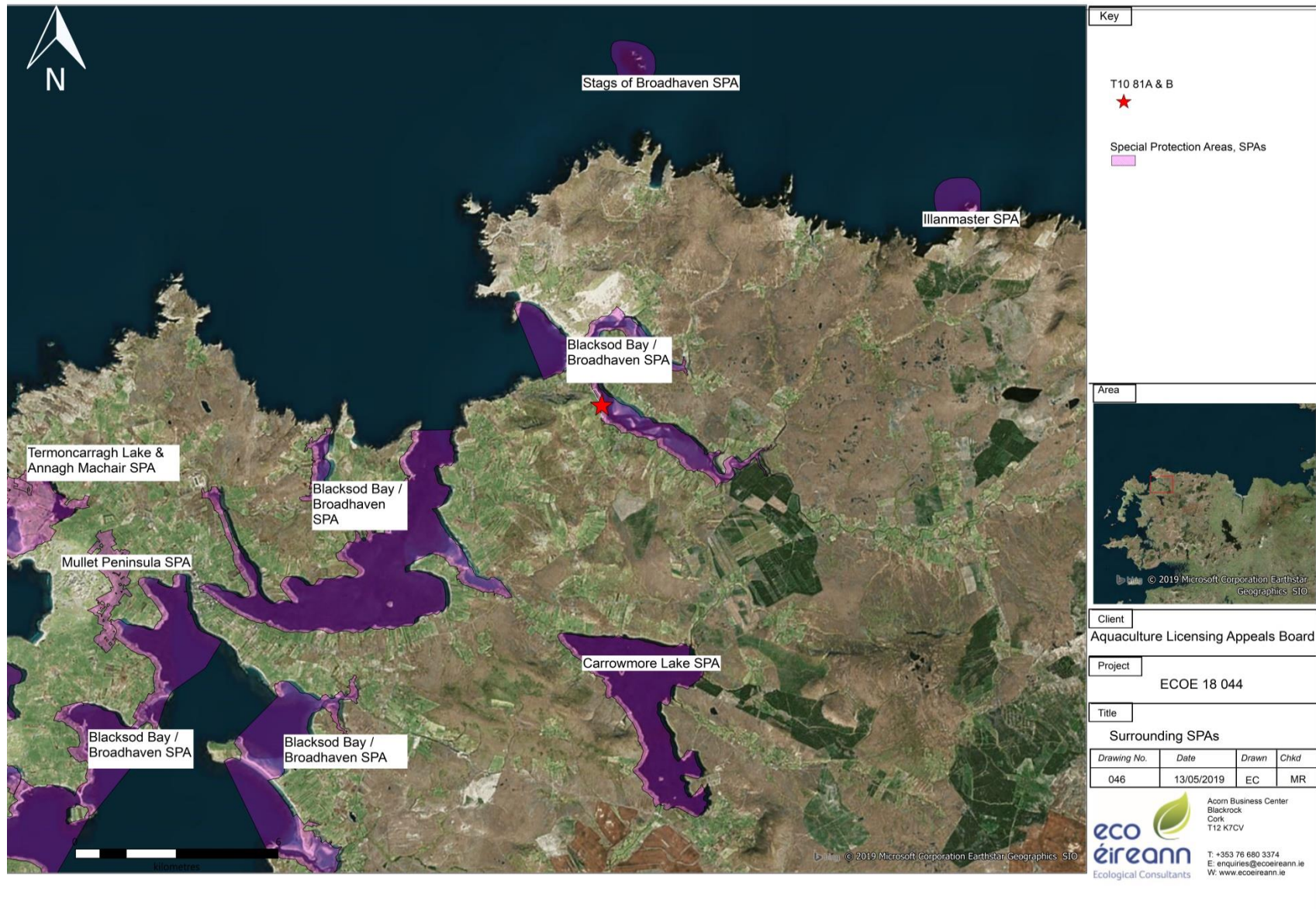


Figure 4 SPAs in Proximity to Proposed Sites



5.4.2 Protected Species

Blacksod Bay/ Broadhaven Bay SPA is designated for wetlands and the bird species listed in Table 2, below (NPWS, 2014a).

Table 2 Species of Conservation Interest in Blacksod/ Broadhaven Bay SPA

Common Name	Latin Name
Great Northern Diver	<i>Gavia immer</i>
Brent Goose	<i>Branta bernicla hrota</i>
Common Scoter	<i>Melanitta nigra</i>
Red-breasted merganser	<i>Mergus serrator</i>
Ringed plover	<i>Charadrius hiaticula</i>
Sanderling	<i>Calidris alba</i>
Dunlin	<i>Calidris alpina alpina</i>
Bar-tailed Godwit	<i>Limosa lapponica</i>
Curlew	<i>Numenius arquata</i>
Sandwich Tern	<i>Sterna sandvecensis</i>
Dunlin	<i>Calidris alpina schinzii</i>

Atlantic salmon *Salmo salar* is designated for protection within the Glenamoy bog complex SAC.

The National Biodiversity Data Centre, NBDC, provided records of protected species, from the last 10 years in a 10km square, F83 (<https://maps.biodiversityireland.ie/Map>), within which Sruwaddacon Bay lies, listed in Appendix 1.

5.5 Statutory Plans

There are no specific statutory or development plans for Broadhaven Bay. Developments to the amenity base for citizens and to increase tourism potential are, however, considered in the Mayo County Development Plan. Considerations extend to developing marine related amenities and land-based recreational activities.

5.6 Water Quality Status

Sruwaddacon Bay has been assigned a classification of “Good water quality” by the central fisheries board, using the Transitional Fish Classification Index, TFCI (CRFB, 2008).

The EPA have assigned a classification of “Good”, based on general physio-chemical elements, phytoplankton and macroalgal growth (WRBD, 2008).

5.7 Man-made heritage

Inter-tidal surveys and underwater assessments were carried out between 2007 and 2010 as part of the underwater archaeology assessment for the Corrib Onshore Pipeline EIS. These assessments did not reveal any material or features of archaeological significance and concluded that the archaeological potential for the bay was low (RPS, 2010).

6.0 Section 61 Assessment

6.1 Site Suitability

It is the opinion of the technical advisor that the sites in question are suitable for the cultivation of the pacific oyster *Crassostrea gigas*, despite them being outside a designated shellfish area, for the following reasons;

- Pacific oysters are cultivated throughout Ireland, including within County Mayo
- The surrounding area is characterised by a low population density, non-intensive dairy farming, upland and extensive areas of blanket bog.
- Sruwaddacon Bay is a dynamic ecosystem comprised of a transitional zone between freshwater inputs, from the Glenamoy and Muingnabo rivers and various small streams, and the fully marine environment of Broadhaven Bay. The entire estuary is continuously swept by semi-diurnal tides, suggesting the suitability to support aquaculture.
- While aquaculture structures are visible in the seascape, they do not dominate the views of the bay, they are often perceived as part of the surrounding mudflats and are recognised as man-made structures only when seen from very elevated positions and/or when the tide is very low, exposing the trestles fully.
- The site has previously been in operation by the appellant.

6.2 Other uses

It has been reported by the MED that there is little use of Sruwaddacon Bay by other fishing or marine leisure activities. Thus, it is the opinion of the technical advisor that there will be little to no negative impact from the granting of the license to the appellant.

6.3 Statutory Status

Sruwaddacon Bay is part of the Broadhaven/Blacksod Bay SPA and the Glenamoy bog complex SAC. There are numerous wading bird species, for which the SPA has been designated, which have been recorded in Sruwaddacon Bay. Atlantic salmon have been recorded in the bay, a qualifying interest of the Glenamoy Bog complex SAC. ~~It is the opinion of the technical advisor that the granting of the license would have little to no significant negative impact on these species and so would not negatively impact the qualifying interests of the SPA or SAC.~~

The proposed sites are located on intertidal flats, which are not qualifying features of the Glenamoy Bog Complex SAC. They are however qualifying features of the adjoining Broadhaven Bay SAC; therefore, they must be considering in this respect.

Broadhaven Bay SAC is reported to contain 495ha of mudflats and sandflats not covered by seawater at low tide [1140] (NPWS, 2014c), this is not counting the intertidal area of Sruwaddacon bay. Sruwaddacon bay is c. 840ha in area, with much of this area being intertidal habitat. NPWS guidance recommends, for the practical purpose of management of sedimentary habitats, a 15% threshold of overlap between a disturbing activity and a habitat (Marine Institute, 2017). Therefore, it is the considered opinion of the technical advisor that the temporary land take of 4.235ha would not negatively impact the conservation objectives for the SAC.

Sruwaddacon bay flows into the larger Broadhaven bay, which is designated as a SAC (Broadhaven Bay SAC (site code: 000472)). It is the opinion of the technical advisor that due to the extensive diurnal flushing and freshwater inputs, that the proposed aquaculture sites will have no ex-situ effects on the qualifying features of this adjacent SAC.

It is the opinion of the technical advisor that the granting of the license would have a minor non-significant temporary (only for the duration of the licence) negative impact on the bird species, through the (temporary) reduction of foraging habitat, as the sites comprise only a small portion (4.235ha or 0.5%) of the available intertidal habitat within Sruwaddacon bay (c. 840ha), therefore, this impact is considered negligible.

Therefore, the granting of the licence would not significantly negatively impact the qualifying interests of the SPA or SAC.

6.4 Economic effects

The revocation of the aquaculture license is likely to have a negative effective on the local economy, due to the reduction in local jobs and income from the production of oysters from the sites.

The granting of the license is likely to have a positive effect on the local economy due to the creation of several jobs locally and income to the local community through the production of oysters from the site.

The rural area in which the sites are located relies on agriculture and aquaculture to support the local economy.

6.5 Ecological Effects

There ~~is/ or~~ could be a significant/~~non-significant~~ adverse/~~positive~~ effect on the natural habitats, wild fisheries and fauna and flora of the area as a result of the proposed operation for the following reasons;

- ~~• The majority of aquaculture activities are consistent with the conservation objectives of the SPA/SAC.~~
- ~~• The risk of e~~Establishment of the non-native pacific oysters C. gigas within the SAC/SPA ~~is low,~~ and can be mitigated by

This risk of establishment can be mitigated, through the use of Triploid (nearly sterile)~~C. gigas~~ oyster seed.

There will be no significant adverse effect on the natural habitats, wild fisheries and fauna and flora of the area as a result of the proposed operation for the following reasons;

- The proposed development is unlikely to have a significant impact on the qualifying interests of the SAC/SPA
- The majority of aquaculture activities are consistent with the conservation objectives of the SPA/SAC

6.6 General Environmental Effects

There are non-significant general environmental effects as a result of the proposed development for the following reasons;

- The cultivation of oysters will produce faeces and pseudofaeces, but the amount will be small and limited to the area of the site. The site is ~~also considered as~~ well-flushed ~~and, the~~ build-up of excess organic material on site with subsequent reduction of oxygen in the water is not considered likely.
- Grading and removal of mortalities will result in shells being discarded but the amounts of shell discards will be small and build-up of excess on site will not be permitted.

6.7 Effect on Man-made Heritage

There will be no likely effects, either positive or negative, on the man-made environment or heritage value of the area, there were no manmade heritage sites reported in the archaeological report drafted for the Corrib Gasline project (RPS, 2010).

6.8 Confirmation re: Section 50 Notices

It is the opinion of the technical advisor that there are **no** matters which arise within section 61 which the Board ought to take into account which have not been raised in the appeal documents, and it is not necessary to give notice in writing to any parties in accordance with section 50 (2) of the 1997 Act.

7.0 Screening for Environmental Impact Assessment (EIA)

It should be noted that on the license application, the applicant, has indicated that the type of aquaculture being carried out is to be “intensive” aquaculture. This should not be the case as “intensive” aquaculture is not necessary for the production of Pacific oysters in Ireland. “Extensive” aquaculture is to be carried out on the sites in question.

“Extensive” aquaculture, where there is no external supply of feed or medicine, depends entirely on natural processes for production and supply of feed. Accordingly, the Department (DAFM) does not apply the EIA screening process in the case of extensive aquaculture.

Aquaculture is listed as an Annex II Project under the EU EIA Directive 85/337/EEC, however, where this form of aquaculture depends on natural processes for production and supply of feed (i.e. extensive) an EIA Screening process is deemed not required (Ireland as a Member State Guidance). Therefore, it is the conclusion of the advisor that an EIA Screening (formally EIS) is not required in this instance in line with Ministers Guidance.

8.0 Screening for Appropriate Assessment

An appropriate assessment, AA, has been carried out for the aquaculture sites in the Broadhaven bay area, including which did not include Sruwaddacon Bay, where ~~in~~ the sites in question are located. The AA reviewed the Natura 2000 sites ~~in question lie within~~ adjacent to the ~~Blacksod /~~ Broadhaven Bay SPA and SAC (site code: 000472), including the Glenamoy Bog Complex SAC ~~/ NHA. The~~ (site code: 000500), within which the sites are ~~in proximity to several other designated sites, Broadhaven Bay SAC~~ located, and subsequently screened this site out as the only marine qualifying features are Salmon [1106] and ~~NHA~~ Vegetated Sea Cliffs of the Atlantic and ~~the Slieve Fyagh Bog SAC and NHA.~~ Baltic Coasts [1230] which are not negatively impacted by shellfish aquaculture activities (Marine Institute, 2017).

It has been determined in the ~~AA, by~~ Appropriate Assessment Conclusion Statement (DAFM, 2018) that the production of pacific oysters at these sites will have no significant negative impact on the qualifying interests of the designated sites (DAFM, 2018). It is the opinion of the technical advisor that the AA carried out by DAFM is adequate and that the production of Pacific oysters at these sites, individually or in combination with other plans or projects, is not likely to have a significant effect on a Natura 2000 site.

It is the opinion of the technical advisor that further appropriate assessment is not required and that the cultivation of the pacific oyster at the two sites in question will not have a significant effect on a Natura 2000 site, both individually and in combination with other plans or projects, for the following reasons;

- The sites are located within the Glenamoy Bog Complex SAC, Sea Cliffs (1230) and Atlantic Salmon (1106) are the only marine features of this SAC. As the aquaculture will be carried out in the intertidal zone, Sea Cliffs will be unaffected, i.e. there is no overlap between current or proposed aquaculture activities and any marine qualifying interest habitat in the Glenamoy Bog Complex SAC
- The proposed levels of aquaculture will not impact on migrating Atlantic salmon, a qualifying interest of the Glenamoy Bog Complex SAC, through Sruwaddacon Bay
- The sites are located within the Blacksod / Broadhaven Bay SPA, as ~~these two~~ the proposed sites are the only areas of aquaculture within Sruwaddacon Bay and make up only a small portion (4.235 ha) of the available intertidal area, (3,659 ha, within the SPA, of which c. 800 ha is located within Sruwaddacon bay), it is not anticipated that these sites will negatively impact, through disturbance or displacement, upon species for which Blacksod / Broadhaven bay SPA has been designated.

9.0 Technical Advisor's Evaluation of the Substantive Issues in Respect of Appeal and Submissions/Observations Received

The substantive issues raised during the appeals process are listed below;

- The appellant is of the opinion that the reason for refusal is outside the scope of the Fisheries (Amendment) Act 1997, it is the opinion of the technical advisor that this issue is outside the scope of this report and lies with the department
- The appellant is of the opinion that the previous license was revoked and was not given notice or allowed to give submissions. It is the opinion of the technical advisor that the license was not revoked but timed out, and that after a designated period, normally ten years, the license must be renewed regardless of the situation.
- The appellant was not informed about a site inspection. It is the opinion of the technical advisor that notice of a site inspection is not necessary, as the sites should always be in a good state of repair to function economically and efficiently and it is a condition of the license that public access along the foreshore cannot be impeded, i.e. no storage of materials or detritus that could potentially block public access
- The appellant has stated a landslide caused the loss of access and a degradation of water quality in the area which resulted in a lack of market production from the sites for a number of years. It is the opinion of the technical advisor that the lack of access and the reduction in water quality due to suspended solids, would cause the degradation of the quality and quantity of market produce, possibly making the sites unviable for aquaculture for several years
- The appellant has stated that market production was not possible in recent years due to prominence of antisocial behaviour and violence in the area over the controversial Corrib Gas Pipeline Project and the condition of the benthic habitats after the installation of the pipeline beneath Sruwaddacon Bay. It is the opinion of the technical advisor that this issue lies outside the scope of this report.

10.0 Recommendation of Technical Advisor with Reasons and Considerations

Given the facts that;

- The sites have been in previous use and are not new sites for aquaculture
- That oyster cultivation at the sites would not likely cause degradation to the qualifying interests of the Natura 2000 sites in the vicinity (Blacksod / Broadhaven Bay SPA, Glenamoy Bog Complex SAC/NHA, Broadhaven Bay SAC/NHA)
- The sites are the only areas of aquaculture in the surrounding Sruwaddacon Bay

- The appellant has given substantive reasoning behind the lack of use of the sites over the last number of years

- The sites do not constitute a significant land take from the intertidal habitat

It is the opinion of the technical advisor that an oyster cultivation license **should** be granted for the sites in Sruwaddacon Bay, Co. Mayo, with the following stipulation in order to mitigate the potential impacts on the surrounding Natura 2000 sites.

- The oyster seed used should be of Triploid stock, to avoid the establishment of the non-native species in the bay

11.0 Draft Determination Refusal /or Grant

Based on the above information, it is recommended that the Minister's decision to refuse the license is overturned and the license is granted.

Technical Advisor: Eoin Cussen, EcoÉireann

Date: 22nd October 2019

References

CRFB (2008). Sampling Fish for the Water Framework Directive – Transitional Waters – Sruwaddacon Bay. The Central and Regional Fisheries Board.

DAFM (2018). Appropriate Assessment Conclusion Statement by Licensing Authority in support of the Appropriate Assessment of Aquaculture in; Mullet/ Blacksod Bay Complex SAC (Site code 0470), Broadhaven Bay SAC (0472), Glenamoy Bog Complex SAC (0500) and Blacksod/ Broadhaven Bay SPA (04033)

[Marine Institute \(2017\) Annex II. Report Supporting Appropriate Assessment of Aquaculture in Broadhaven Bay SAC \(Site Code: 472\). Marine Institute, Rinville, Oranmore, Co. Galway.](#)

[NPWS \(2014a\) Conservation Objectives supporting document: Blacksod Bay/Broad Haven SPA 004037, Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.](#)

[NPWS \(2014b\) Site Synopsis: Broadhaven Bay SAC 000472, Revision 14. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.](#)

[NPWS \(2014c\) Conservation Objectives: Broadhaven Bay SAC 000472. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.](#)

[NPWS \(2013a\) Site Synopsis: Glenamoy Bog Complex SAC 000500, Revision 13. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.](#)

[NPWS \(2013b\) Site Synopsis: Blacksod Bay/Broad Haven SPA 004037, Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.](#)

RPS (2010). Corrib Onshore Pipeline - Environmental Impact Statement.

Teagasc Mayo (2015). Mayo Advisory Region Strategic Plan 2015-2020, Teagasc agriculture and food development authority, Co. Mayo.

WRBD (2008) Water matters, “Help us plan”. Draft River Basin Management Plan for the Western River Basin District.

<https://maps.biodiversityireland.ie/Map> - Accessed on 14/04/2019.

Appendices

Appendix 1: NBDC protected species records within the last ten years for 10km square (F83)

Common Name	Latin Name	Designation
Common frog	<i>Rana temporaria</i>	EU habitats Directive; Wildlife Acts
Barn Swallow	<i>Hirundo rustica</i>	Wildlife Acts; Bird of conservation concern – Amber list
Bar-tailed Godwit	<i>Limosa lapponica</i>	Wildlife Acts; Bird of Conservation Concern – Amber list
Black Guillemot	<i>Ceppgus grille</i>	Wildlife Acts; Bird of Conservation Concern – Amber list
Black-headed Gull	<i>Larus ridibundus</i>	Wildlife Acts; Bird of Conservation concern – Red list
Brent Goose	<i>Branta bernicla</i>	Wildlife Acts; Bird of Conservation Concern – Amber list
Common Goldeneye	<i>Bucephala clangula</i>	EU Birds Directive – Annex II; Wildlife Acts; Birds of Conservation Concern – Amber list
Common grasshopper Warbler	<i>Locustella naevia</i>	Wildlife Acts; Bird of Conservation Concern – Amber list
Common Greenshank	<i>Tringa nebularia</i>	Wildlife Acts; Birds of Conservation Concern – Amber list
Common Kestrel	<i>Falco tinnunculus</i>	Wildlife Acts; Birds of Conservation Concern – Amber list
Common Linnet	<i>Carduelis cannabina</i>	Wildlife Acts; Birds of Conservation Concern – Amber list
Common pheasant	<i>Phasianus colchicus</i>	EU Birds Directive – Annex II & Annex III; Wildlife Acts
Common Redshank	<i>Tringa tetanus</i>	Wildlife Acts; Birds of Conservation Concern – Red list
Common Sandpiper	<i>Actitis hypoleucos</i>	Wildlife Acts; Birds of Conservation Concern – Amber list
Common Shelduck	<i>Tadorna tadorna</i>	Wildlife Acts; Birds of Conservation Concern – Amber list
Common Snipe	<i>Gallinago gallinago</i>	EU Birds Directive – Annex II & Annex III; Wildlife Acts; Birds of Conservation Concern – Amber list
Common Starling	<i>Sturnus vulgaris</i>	Wildlife Acts; Birds of Conservation Concern – Amber list
Common Wood Pigeon	<i>Columba palumbus</i>	EU Birds Directive – Annex II & Annex III; Wildlife Acts
Dunlin	<i>Calidris alpine</i>	EU Birds Directive – Annex I; Wildlife Acts; Birds of Conservation Concern – Amber list
Eurasian Curlew	<i>Numenius arquata</i>	EU Birds Directive – Annex II; Wildlife Acts; Birds of Conservation Concern – Red list
Eurasian Oystercatcher	<i>Haematopus ostralegus</i>	Wildlife Acts; Birds of Conservation Concern – Amber list
Eurasian Teal	<i>Anas crecca</i>	EU Birds Directive – Annex II & Annex III; Wildlife Acts; Birds of Conservation Concern – Amber list

Eurasian Widgeon	<i>Anas Penelope</i>	EU Birds Directive – Annex II & Annex III; Wildlife Acts; Birds of Conservation Concern – Amber list
Eurasian Woodcock	<i>Scolopax rusticola</i>	EU Birds Directive – Annex II & Annex III; Wildlife Acts; Birds of Conservation Concern – Amber list
Eurasian Golden Plover	<i>Pluvialis apricaria</i>	EU Birds Directive – Annex I, Annex II & Annex III; Wildlife Acts; Birds of Conservation Concern – Red list
European Shag	<i>Phalacrocorax aristotelis</i>	Wildlife Acts; Birds of Conservation Concern – Amber list
Great Black-backed Gull	<i>Larus marinus</i>	Wildlife Acts; Birds of Conservation Concern – Amber list
Great cormorant	<i>Phalacrocorax carbo</i>	Wildlife Acts; Birds of Conservation Concern – Amber list
Great Northern Diver	<i>Gavia immer</i>	EU Birds Directive – Annex I; Wildlife Acts
Greater Scaup	<i>Aythya marila</i>	EU Birds Directive – Annex I, Annex II & Annex III; Wildlife Acts; Birds of Conservation Concern – Amber list
Greater White-fronted Goose	<i>Anser albifrons</i>	EU Birds Directive – Annex I, Annex II & Annex III; Wildlife Acts; Birds of Conservation Concern – Amber list
Greylag Goose	<i>Anser anser</i>	EU Birds Directive – Annex I, Annex II & Annex III; Wildlife Acts; Birds of Conservation Concern – Amber list; Invasive species – S.I. 477
Herring Gull	<i>Larus argentatus</i>	Wildlife Acts; Birds of Conservation Concern – Red list
House Martin	<i>Delichon urbicum</i>	Wildlife Acts; Birds of Conservation Concern – Amber list
House Sparrow	<i>Passer domesticus</i>	Wildlife Acts; Birds of Conservation Concern – Amber list
Mallard	<i>Anas platyrhynchos</i>	Wildlife Acts; EU Birds Directive – Annex II & Annex III
Merlin	<i>Falco columbarius</i>	Wildlife Acts; EU Birds Directive – Annex I; Birds of Conservation Concern – Amber list
Mew Gull	<i>Larus canus</i>	Wildlife Acts; Birds of Conservation Concern – Amber list
Northern Gannet	<i>Morus bassanus</i>	Wildlife Acts; Birds of Conservation Concern – Amber list
Northern Lapwing	<i>Vanellus vanellus</i>	Wildlife Acts; EU Birds Directive – Annex II; Birds of Conservation Concern – Red list
Northern Wheatear	<i>Oenanthe oenanthe</i>	Wildlife Acts; Birds of Conservation Concern – Amber list
Peregrine Falcon	<i>Falco peregrinus</i>	Wildlife Acts; Birds of Conservation Concern – Amber list
Red-billed Chough	<i>Pyrrhocorax pyrrhocorax</i>	Wildlife Acts; EU Birds Directive – Annex I; Birds of Conservation Concern – Amber list

Red-breasted Merganser	<i>Mergus serrator</i>	Wildlife Acts; EU Birds Directive – Annex II
Ringed Plover	<i>Charadrius hiaticula</i>	Wildlife Acts; Birds of Conservation Concern – Amber list
Rock Pigeon	<i>Columba livia</i>	Wildlife Acts; EU Birds Directive – Annex II
Sand Martin	<i>Riparia riparia</i>	Wildlife Acts; Birds of Conservation Concern – Amber list
Sky Lark	<i>Alauda arvensis</i>	Wildlife Acts; Birds of Conservation Concern – Amber list
Tufted Duck	<i>Aythya fuligula</i>	Wildlife Acts; EU Birds Directive – Annex II & Annex III; Birds of Conservation Concern – Amber list
Twite	<i>Carduelis flavirostris</i>	Wildlife Acts; Birds of Conservation Concern – Red list
Water Rail	<i>Rallus aquatica</i>	Wildlife Acts; Birds of Conservation Concern – Amber list
Whooper Swan	<i>Cygnus cygnus</i>	Wildlife Acts; EU Birds Directive – Annex I; Birds of Conservation Concern – Amber list
Common seal	<i>Phoca vitulina</i>	EU Habitats Directive – Annex II & Annex V; Wildlife Acts
Grey seal	<i>Halichoerus grypus</i>	EU Habitats Directive – Annex II & Annex V; Wildlife Acts
Brown long-eared bat	<i>Plecotus auritus</i>	EU Habitats Directive – Annex IV; Wildlife Acts
Daubenton's bat	<i>Myotis daubentonii</i>	EU Habitats Directive – Annex IV; Wildlife Acts
Eurasian badger	<i>Meles meles</i>	Wildlife Acts
European otter	<i>Lutra lutra</i>	EU Habitats Directive – Annex II & Annex IV; Wildlife Acts
Lesser noctule	<i>Nyctalus leisleri</i>	EU Habitats Directive – Annex IV; Wildlife Acts
Pine martin	<i>Martes martes</i>	EU Habitats Directive – Annex V; Wildlife Acts
Common pipistrelle	<i>Pipistrellus pipistrellus</i>	EU Habitats Directive – Annex IV; Wildlife Acts
Red deer	<i>Cervus elaphus</i>	Wildlife Acts
Soprano pipistrelle	<i>Pipistrellus pygmaeus</i>	EU Habitats Directive – Annex IV; Wildlife Acts

Appendix 2: Site photographs

Sruwaddacon bay quay, facing east



Sruwaddacon bay, approximate location of site T81B, facing south



Sruwaddacon bay, facing north from site T81B



Additional access route, facing north - west



Approximate location of site T81A, facing north - west



Approximate location of site T81A, facing south-east



Storage of old trestles along high water mark, just north of quay

