



AP11/2018

Loughros Beg Bay

T12/498 – Grant

Obs from Licencee
Barry McGuinness

The Aquaculture Appeals Board,
Kilminchy Court,
Dublin Road,
Portlaoise,
Co Laois.

10 November 2018

Ref: AP11/2018
Site Ref: T12/498A

Re: Appeal against the decision of the Minister of Agriculture, Food and Marine to grant an Aquaculture licence to Mr Barry Mc Guinness for the cultivation of Pacific Oysters using bags and trestles on the eastern portion of Loughros Beg Bay, Co Donegal on Site T12/498A

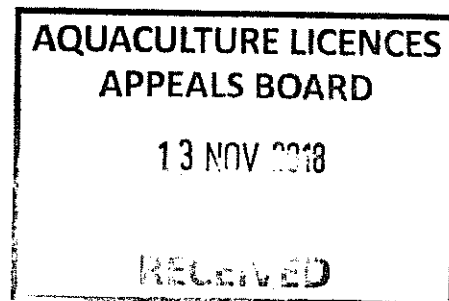
For the attention of the appeals board,

Please find enclosed my reply to the appeal lodged against the decision of the minister on the 07/09/2018 Ref AP11/2018.

I have replied to the objections in the same order as the appeal document and have used the same numbering sequence for clarity.

Yours sincerely,

Barry Mc Guinness
Barry Mc Guinness.



2.0

The suffix 'A' was added at point of revision to the application, with the original T12/498 reference deemed obsolete.

This is a grievance with the process, and has little relevance to the determination.

With regard to name of applicant, I am the sole person involved with this application and do not see the problem with contact and liaison.

3.0

All this is very much a grievance with the process, and again has little relevance to the determination.

5.0

T12/498 (deemed an obsolete application ref) has been superseded by T12/498A. Any co-ordinates in relation to T12/498 are irrelevant.

Also any mention of clams was only in T12/498 and has been omitted from T12/498A so all reference of Clams are irrelevant as that is not what the licence granted.

The department is very specific on using OSI maps for the application process, however assessment is very much done on the ground, and again this is a compliant on the process and not site specific.

This section of the appeal also references a very old dormant application which is irrelevant.

Grievance with the department website has no relevance to an appeal.

The reference to the east, west location of the site in the appeal is 100% incorrect. The site T12/498A is east in the bay.

All of the next observation are broad and not specific to T12/498A

6.0

Being a new venture it is incredibly difficult to determine the requirement for staff, but as the business grows all staff would be hired from the local community.

a)

The quality of water in Loughrosbeg has been proven and approved both by the department and existing oyster farmers and cannot be called into question by unsubstantiated claims in an appeal.

With regard to concerns over shifting tides and levels within the site while every m2 of the site will not be suitable, the proposed site has more than a substantial area for the proposed level for oyster

cultivation. The photographed levels in the appeal are misleading as they are not the most common or typical levels found on site.

b)

With regard to indigenous cockles and mussels at Ballyganny beach farmed shellfish realise ammonia and organic particles into the water column which actually promote additional phytoplankton and macroalgal leading to a healthier bay and is of benefit to all shellfish within the bay. It is widely thought within the scientific community that shellfish aquaculture is of much more benefit to local wildlife than a hindrance.

The use of machinery will be kept to an absolute minimum at T12/498A, the operator have a strong environmental conscience and will do little to disturb the natural habitat of the bay. And will also be strictly adhering to restrictions laid out by the department.

As outlined in this appeal Loughrosbeg is an incredibly turbulent bay with strong currents and wind, sediment and obstruction to water and currents will be insignificant.

Environmental planning and study was performed on the site and any potential impact of the proposed farm.

The proposed site T12/498A takes into account the current location of the channel and allows the turbulent nature of the channel.

c)

Salmon farming is a completely different venture and of no relevance to the proposed licence and determination and mentioning its effects on indigenous salmon and trout is again misleading.

d)

Proposed site will not hinder access to sand island as the channel is the main obstruction from the shore and again whole comment is misleading.

e)

It is a substantial walk to proposed site T12/498A and should not impede any of the activities outlined. Site will be clearly marked for vessel navigation during high tide.

The road leading to Ballyganny strand is tarmacadam and the site T12/498A will lead to 1 more van once a day and very occasionally a tractor using it, not any significant increase on the numbers currently using the road.

The vast majority of travel to site T12/498A across the strand will be on foot following the route to disturb the natural habitat as little as possible. Vehicle will only be used for set-up and harvest.

f)

Site T12/498A will have little effect on tourism as the vast majority of the site will be hidden from the Loughros point road and is 700 meters from the Maghera road, a popular tourist route.

Again any staff requirements for the site will be sought in the local community.

This process cannot be seen as 'unabated' as it has been heavily scrutinised by the department and the licence has many restrictions which will be strictly adhered to.

g)

The intention of the site is to use the loughros shore as cover visually from the road. I have the highest regard for the areas natural beauty and will ensure to do as little as possible to endanger the visual appeal of the area.

i)

The NATURA document was heavily considered in to process and took a significant amount of time in that consideration. This process has taken well over 3 years in the determination and all factors have been taken into consideration by the department and data compiled on the matter and the site has been deemed appropriate by the department.

k)

No objections were received after public consultation, only observations. The reason for no response as it would have been a reiteration of all details outlined in the original application.

l)

Every detail and requirement outlined in the licence will be strictly adhered too. Any poor practices employed on other farms are not applicable to my venture.

Closing statement

There is nothing of significance in this appeal that has not already been carefully considered by the Minister of Agriculture, Food and Marine and the site T12/498A deemed appropriate for the proposed aquaculture activity. Many point are irrelevant and misleading, assumptions are being made on practices going to be employed on site. As stated many times in this document all requirements of the licence will be adhered to and the upmost respect shown to the environment.