

AP2/2/2015

**MS BRIDGET M O SULLIVAN
ON BEHALF OF RESIDENTS OF
ROOSK**

APPEAL

NOTICE OF APPEAL UNDER SECTION 40(1) OF
FISHERIES (AMENDMENT) ACT 1997 (NO. 23)

AQUACULTURE LICENCES
APPEALS BOARD

08 OCT 2015

RECEIVED

Name and address of appellant:

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Joe Crowley, ~~Roosk, Adrigole, Co. Cork. Mobile Tel: 087 937 1000~~



AQUACULTURE LICENCE
APPEALS BOARD

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Subject matter of the appeal:

FISHERIES (AMENDMENT) ACT, 1997 (NO. 23) & FORESHORE ACT, 1933 (NO. 12) NOTICE OF DECISION TO GRANT AQUACULTURE AND FORESHORE LICENCES. The Minister for Agriculture, Food and the Marine has decided to grant an Aquaculture Licence and a Foreshore Licence to, Bradán Fanad Teo t/a Marine Harvest Ireland, KINDRUM, FANAD, LETTERKENNY, CO. DONEGAL, REF: T5/555 for the cultivation of Atlantic Salmon; *Salmo Salar* on a site on the foreshore at SHOT HEAD, BANTRY BAY, CO. CORK.

Site Reference Number:- T5/555

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

We are the residents of the townland of Roosk, Adrigole, Co. Cork, and are deeply concerned regarding the award of a salmon farm licence on our doorstep. We request the granting of this licence is reconsidered, and the licence withdrawn.

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):

At no point has a single resident in the parish been actively approached for their views on the development of a salmon farm at Shot Head. Not one person in our townland has been contacted, despite repeated submissions during the 'Consultation Process'.

We, and others in the vicinity, have lodged repeated objections at all stages where opinion has been sought via the publication of notices in the local press. As you are aware 77 submissions were received following announcement of the development in January 2012. Later, in a second round of consultation running from Sept to October 2014, a further 42 responses were submitted.

Both international law and EU Directives require that the concerned public are given early and effective opportunities to participate in the



environmental decision making procedures. However, during this process, this has not been the case. On no occasion have those residents who will be immediately affected and directly impacted by the development of this salmon farm been given the opportunity to present their opinions to the decision makers.

In contrast Marine Harvest, the licence applicants, met with Taoiseach and Minister Coveney on 30 January 2014. This was done while their application for a foreshore licence was being considered by Minister Coveney and his team. The minutes of the meeting reveal that Marine Harvest discussed future development of their salmon farming operations in Ireland and indeed matters concerning a decision on the Shot Head licence application.

For the Minister responsible for the final decision upon whether or not to grant a licence to meet with the applicant and not those immediately affected by the development is not appropriate. It contradicts the principles of independent or impartial decision making.

In addition, Marine Harvest has been in discussions with Donal Maguire, who heads up the Aquaculture Development Division at BIM, throughout the Shot Head Licence application period. It is understood discussions have covered future collaborative working in Ireland, salmon farms in operation and licences currently under consideration such as Shot Head. Given Donal Maguire is on the panel behind the recommendation to approve the Shot Head Salmon Farm Licence application, and a co-author of the report to Minister Coveney making this recommendation, his opinions cannot be considered impartial.

Other authors of the recommendation to approve the Shot Head salmon farm licence include Dr D. Jackson from the Marine Institute. Dr Jackson is a known voice in favour of expansion of salmon farming in Ireland. He has also been accused of producing bad science to back his opinions by renowned international experts. The study on the impact of sea lice on wild salmon populations quoted in the recommendation that licence application T5/555 be approved has been internationally criticised and condemned. Indeed, Ireland's own experts working to protect wild salmon (a legally protected species) in Inland Fisheries Ireland have exposed fundamental flaws within this study.

The vast cohort of research, including a number of review papers, shows sea lice emanating from salmon farming has a detrimental impact on local wild salmon populations reducing local wild salmon populations by up to 50%. An extensive study completed within Ireland by IFI, reveals sea lice from salmon farms to reduce wild salmon populations by 39%. For Jackson

to state this is not the case, flies in the face of the current consensus amongst international experts.

Thus to base a decision on a research study deemed highly controversial, and to give no consideration to well received study completed by the government authority charged with protecting wild salmon up to 12km offshore, IFI, is neglectful. It is vital that all the relevant scientific information be considered.

Another claim in the report recommending the Shot Head salmon farm licence T5/555 be approved, states salmon farming at Shot Head would have no significant impact on endangered, and legally protected, seal populations. Yet, there is no discussion of potential impacts from salmon farming on seals and no evidence given for the claim. Only recent records of local seal populations, over a timeframe when salmon farming in the bay has remained static.

It is well established that seals are attracted to salmon farms as an easy food source. Seals are known to get tangled in nets and drown and to suffer 'harassment' from salmon farmers attempting to deter them. Studies in Scotland suggest local seal populations may have significantly reduced due to salmon farming in the vicinity (Tara Seal Research, 2009). The EIS submitted by Marine Harvest suggests the use of acoustic devices to deter seals when problems arise. However, as these acoustic devices cause pain to rare and endangered cetaceans, they should not be used in areas frequented by dolphins and whales such as Bantry Bay.

To not examine any of the issues surrounding the impact of salmon farming on protect seals is a clear omission of key details. Beyond the legal requirement to protect these seals, they are a popular tourist attraction which help support many local businesses.

What is more, the report notes many SPAs nearby to protect endangered birds, but again doesn't discuss the potential impact of these endangered birds visiting salmon farms as a food source.

We ask that the decision to grant the licence for a salmon farm at Shot Head is reconsidered because:

1. The public consultation has been anything but genuinely public or consultative.
2. The excessive representation of industry interests before the Taoiseach, Minister, and key government players during the application process has meant the decision to grant the licence can

be considered neither impartial nor independent, thus rendering it unlawful .

- 3. The decision has been based on biased information, bad science, and key information has been omitted. Rather than having no significant impact on the environment, the scientific research makes it quite clear a salmon farm at Shot Head could have significant implications for both protected species and the environment as a whole.**

Fee enclosed: €152.37

(payable to the Aquaculture Licences Appeals Board in accordance with the Aquaculture Licensing Appeals (Fees) Regulations, 1998 (S.I. No. 449 of 1998))(See Note 2)

Signed by appellant:

Kathleen O'Sullivan
Kathleen O'Sullivan

Margaret O'Sullivan
Margaret O'Sullivan

Patrick J. O'Sullivan
Patrick O'Sullivan

Donal O'Sullivan
Donal O'Sullivan

Peggy O'Sullivan
Peggy O'Sullivan

Patrick O'Sullivan
Patrick O'Sullivan

M. O'Sullivan
Morna O'Sullivan

B. O'Sullivan
BREA O'SULLIVAN

Tom Murphy

Tom Murphy

[Signature]

Kevin Cody

Kevin Cody

Chloe Neild

[Signature]

Fiona Osbourne

[Signature]

Alex Osbourne

P. C. Sullivan

Patrick Sullivan

Timothy O'Sullivan

Timothy O'Sullivan

Kathleen O'Sullivan

Kathleen O'Sullivan

Joe Crowley

Joe Crowley

Date: 6-10-2015

Note 1: 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.

Note 2: The fees payable are as follows:

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.