

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

Name and address of appellant:

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Subject matter of the appeal:

Aquaculture license application dated May 2005. File ref T05/503

Site Reference Number:-

(as allocated by the Department of Agriculture Fisheries & Food)
503A

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

Sustainable development with appropriate assessment and compliance with requirements enabling public participation.

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):

We wish to appeal this licence for the following reasons:

No Strategic Environmental Assessment has been carried out for the aquaculture industry as a whole or for Dunmanus Bay.

Mussel lines can have a significant impact on the environment. Mussel excretions are rich in nitrates, and produce a significant amount of ammonium and phosphates. These wastes change the composition of sediments beneath the high density of longline mussel cultivation where a black anoxic hydrogen sulphide rich mud develops. There are also often significant changes to the nutrient balance of the ecosystem resulting from mussel culture. All of these impacts result in changes in species composition and community structure in the locality, sometimes dramatically.

There are problems with water quality in Kenmare, Bantry and Dunmanus Bays which have significant effects on shell fish. The Marine Institute states that:

"Please note that the BIOTOXIN sample frequency for Mussels other than Kenmare, Bantry & Dunmanus Bays is being changed to Monthly with effect from Monday 07 November 2011 until further notice. The

Biotoxin Sample Frequency for Mussels from Kenmare, Bantry and Dunmanus Bays will remain weekly until further notice due to continued observed toxicity in Mussel Samples from these bays"

(Source

<http://www.marine.ie/home/publicationsdata/data/Habs+Search+Database/PhytoplanktonShellfishToxicitySummary.htm> accessed 25th January 2012)

Any further licences should be refused in these areas as toxicity has very serious human health implications. Bantry Bay mussel producers were prosecuted following a food poisoning event in France with severe impact on the national reputation of all Irish shellfish exports.

The cumulative impacts of intensification of mussel farming have not been assessed while their increasing adverse impact on the environment is well documented.

As there are frequent closures of the mussel farms in this bay due to toxicity there is no security of employment and underuse of substantial state-aided capital investment.

Local communities in the area are opposed to aquaculture developments in Dunmanus Bay and are developing a comprehensive development plan for the area's alternative development to ensure sustainable development of the area. A major part of this plan is maintaining a pristine environment and promotion of traditional inshore fishing methods producing sustainable amounts of high quality wild seafood. In addition the community will promote environmental education through marine tourism.

The resources of Dumanus Bay are in common ownership - that is the entire community has access to, use of, and benefits from the marine environment. By licensing significant areas to private businesses/industries common access rights will be denied to the wider community against their wishes and only the most rigorously justified developments should be permitted and only after the public has been given the fullest opportunity to protect their rights.

The aquaculture licensing process does not allow for public participation until after a decision has been made. The current public participation does not comply with the Aarhus Convention or the European Directive implementing it.

The minimum fee to comment on a license is set at €152.37. This fee is a significant barrier to residents wishing to express their views. The licensing process is akin to the planning process. The latter allows public participation at an early stage before any decision is taken with a reasonable fee of €20. There is no fee for an objection to an EPA licence application.

Therefore we request an oral hearing to ensure that meaningful public participation takes place, an issue of particular importance in view of the restrictive legislative framework of the Fisheries Acts.

Fee enclosed for appeal and request for oral hearing: €228.55