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SEAWEED COMES TO THE HIGH COURT

Bantry, Co. Cork. 13 May 2019. A case which could determine the future of all of Ireland's seaweed industries opens in the High Court this week. *Bantry Bay - Protect our Native Kelp Forests* – a West Cork community organisation – has sought a Judicial Review of the grant of a seaweed harvesting licence to *BioAtlantis Aquamarine Ltd.* – a Tralee-based biotechnology company – as well as an Injunction to prevent the commencement of harvesting until the Judicial Review is complete. The case opens on Tuesday, May 14, 2019, and is expected to run for six days.

BioAtlantis proposes to undertake the largest mechanical extraction of seaweed ever attempted in Ireland or Britain, in Bantry Bay. They therefore sought, and acquired, a foreshore licence from the Department of Housing to cut 750 hectares of wild native kelp forests in Bantry Bay: an area larger than the Phoenix Park. Final ministerial approval for this operation was granted by Minister of State Damien English TD in November 2017.

A 2005 study by the National Parks and Wildlife Service, *The Role of Kelp in the Marine Environment* (ed. Eamonn Kelly) concluded: 'In general, mechanical kelp harvesting should not be conducted near important breeding bird colonies, near important sites for wintering shorebirds and waterfowl or near important staging areas for migratory birds' (p. 87); '[i]t is clear that licensing of mechanical harvesting on an area of seafloor will effectively sacrifice resident biological communities from reaching their natural equilibrium' (p. 81); and '[t]he development of a mechanical kelp industry in Ireland would present a challenge for fisheries management in terms of marine biodiversity as it could impact on the habitat of species that have not previously received much attention scientifically' (p. 87).

Nonetheless, the government has seen fit to issue this licence without any Environmental Impact Assessment, without any independent monitoring system, and without any effective public consultation. Instead, it seems to be viewed as a trial case to set the precedent for the future development of all of Ireland's seaweed resources. Minister English himself told the Dáil, on 9 May, 2017: 'I believe this will be a useful prototype to be able to monitor and in making decisions for the future'.

Fearful of the potential impact of this mechanical extraction on their marine environment, the consequences for accelerated coastal erosion, the degeneration of tourism along the Wild Atlantic Way, and, most especially, the potential devastation of the livelihoods of at least fifty inshore fishermen who depend on the current equilibrium of the ecosystems in our Bay, *Bantry Bay - Protect our Native Kelp Forest* have written and appealed to the Minister, travelled to the Dáil in a futile attempt to meet with him, travelled to Kildare Street to protest outside Leinster House, gathered 500 people to protest on the shore of Bantry Bay, produced a petition with over 14,000 signatures, and raised many tens of thousands of euro to bring this case to the High Court.

The government's only response has been to repeat that this licence was lawfully granted.

We shall test that contention this week in the High Court.

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High Court references:

2018 / 186 JR – Casey -v- Minister for Housing, Planning and Local Govt & Ors

2018 / 257 MCA – Casey -v- BioAtlantis Aquamarine Limited

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