

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board



AP10/2018

Charlie McHugh & Vincent McGavigan

Appeal

Cúirt Choill Mhínsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
Kilminchy Court, Dublin Road, Portlaoise, County Laois, R32 DTW5

Guthán/Telephone: 057 8631912 R-phost/Email: info@alab.ie

Láithreán Gréasáin/Website: www.alab.ie

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

Name and address of appellant: Charlie Mc Hugh and Vincent Mc Gavigan

Telephone:..... Fax: N/A
Mobile Tel:..... E-mail address:

Subject matter of the appeal:

Do not agree with decision not to grant license on visual and landscape issues. The landscape has no high amenity rating and the licence areas and adjacent roadways are low lying, remote from designated viewpoints, and covered by seawater for the majority of the time, and they are not in any designated local development plan.

Site Reference Number:
(as allocated by the Department of Agriculture, Food and the Marine)
T12/431

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

That I will be able to use the Aquaculture site to farm oysters in that area.

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):

Please find attached

Fee enclosed:..... 380.92..... €
(payable to the Aquaculture Licences Appeals Board in accordance with the Aquaculture
Licensing Appeals (Fees) Regulations, 1998 (S.I. No. 479 of 1998))(See Note 2)

Signed by appellant: Charlie Mc Hugh Date: 15 08 18

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)..... €76.16
In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded.



Charlie Mc Hugh

13/8/18

Dear Sir/Madam,

RE: Aquaculture License Application T12/431 - Loughros Beg Co. Donegal

I wish to appeal the above decision which was taken by the Minister and which I received notification on 7th August 2018 to refuse approval for an aquaculture license in Loughros Beg Co. Donegal. The license application was concerned with the cultivation of oysters using bags and trestles.

I believe that the designated shellfish designated aquaculture area that my application was in, is a living and working section of coastline and I do not agree with the reasons that the license application was turned down, which were on the issues of both visual and landscape impacts.

The Policy objective of the Donegal Development Plan, aims " To protect the character of the landscape where and to the extent that, the proper planning and development of the area requires it, including the preservation of views and prospects and the amenities of places and features of natural beauty or interest."

The county Development plan does not identify any views or prospects in the vicinity of this licence application and our culture area does not fall within an Area of Especially High Scenic Amenity (EHSA) (See Map 1 Appendix 1).



Chapter 8 of the County Development Plan also includes the aim "To support marine resource developments which contribute to the socio-economic and sustainable development of the County" under this aim the council have committed that "In accordance with Government policy, the Council will support the sustainable development of the aquaculture sector to maximise its contribution to economic growth within the County. In particular, the Council acknowledge the development and expansion of the oyster farming industry in the County and its potential in terms of employment and product export."

The degree of any impact on the landscape or visual amenity of the surrounding areas will be based on a number of factors these include:

- Distance;
- Duration of viewing opportunities; and
- Amenity expectations.

It is can clearly be seen from Map 1 (Appendix 1) that the new and existing licences in Loughros beg Bay are some distance from designated views or prospects and areas of Especially High Scenic Amenity (EHSA).

The view is extremely intermittent given the low lying nature of this road, the type of substrate (Rocky, muddy shore with Seaweed growth), the absence of laybys, and the presence a hedge all along the seaward margin.. The duration of the view is further curtailed by the fact that oyster trestles are only visible during daylight low waters (2-4 hrs per day on spring tides).

The Trestles are also low-lying, which reduces their overall wider visibility and makes them easier to accommodate in long, low coastal landscapes such as this bay

The amenity expectations of the area relate to the local landscape character - A6ES (Agricultural Estuarine) "*Coastal low lying agricultural areas inland from sea estuaries at various locations along the coast including Trawbreaga Bay In Inishowen and The Big Isle in Letterkenny*"¹ and the traditional maritime character of the area. There is a long tradition of

¹ Landscape Character Assessment of County Donegal -

<http://www.donegalcoco.ie/media/donegalcountys/planning/pdfs/viewdevelopmentplans/draftlandscapecha>

culturing and harvesting shellfish in Ireland (e.g., oysters) from the earliest settlers onwards. Aquaculture (the farming of both fish and shellfish) has developed significantly in the past century and is now an important supplement to traditional inshore fishery production. Coastal fisheries are depleted and unless aquaculture activity supplements inshore fishery activity there will be an unavoidable decline in coastal communities and a loss of maritime heritage and traditional skills. In this situation economic activity such as ours underpins the landscape amenity of the area.

In summary, I feel that the Sensitivity of the area to landscape and visual amenity impacts associated with the application is considered to be low. The landscape has no high amenity rating (Map 1) and the licence areas and adjacent roadways are remote from designated viewpoints, and covered by seawater for the majority of the time, and they are not in any designated local development plan.

I welcome a fair and respectful consideration of this request to appeal this license application.

Yours Sincerely,

Charlie Mc Hugh.

Appendix 1

[racterassessmentofcodonegal/draftlandscapecharacterassessment/Landscape%20Character%20Assessment%20Part%201.pdf](#)

Map 1: Areas of Especially High Scenic Amenity as designated in County Donegal Development Plan 2012 - 2018

