Alab, Info

From: D C [redacted]
Sent: Thursday 29 October 2026 11:29
To: Alab, Info
Subject: Re: Submission on appeals AP2 to AP11/2025, Ballyness Bay, Co. Donegal (red-throated diver)
Attachments: Red-throated_diver_stills_19Aug2026.docx

Follow Up Flag: Follow up
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Dear Karl,

Thank you for confirming receipt of my submission.

Please find attached a Word document containing the images referred to in my submission, together with frame grabs taken from the video of the bird and a url link to the original video. Further images are available on request, but I felt these were sufficient to support the observation.

Kind regards,

Daniel Connaghan

On Thu, Oct 29, 2026 at 11:11 AM Alab, Info <Info@alab.ie> wrote:

Dear Daniel,

We acknowledge receipt of your submission/observation to the Aquaculture Licences Appeals Board which was received on 29 October 2026. Unfortunately, the links to the images you included with your submission have been blocked by our IT systems. Would it be possible for you to copy the pictures into a word document and resubmit them. We can then attach them to your submission and bring all the information to the Board's attention.

Kind regards,

Karl Brogan

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An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Cúirt Choill Mhinsí, Bóthar Bhaile Átha Cliath
Port Laoise, Contae Laoise, R32 DTW5

ALAB
An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board

Aquaculture Licences Appeals Board
Kilminchy Court, Dublin Road, Portlaoise
County Laois, R32 DTW5

From: D C <dconnaghan@gmail.com>
Sent: Thursday 29 October 2026 09:24
To: Alab, Info <Info@alab.ie>
Subject: Submission on appeals AP2 to AP11/2025, Ballyness Bay, Co. Donegal (red-throated diver)

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Dear Secretary,

Please find attached and below my submission in respect of appeals AP2 to AP11/2025, Ballyness Bay, Co. Donegal. Additionally below are supporting evidence of observed and photographed by the submitter on 19 August 2026. The photographs of that bird on Lough Lacha are included as links below in support of this submission, with geo-tagged and timestamped photos and video available upon request.

Yours faithfully,

Daniel Connaghan

[redacted]

VID_20260819_111508.mp4

IMG_20260819_111535_740.jpg

IMG_20260819_111540_913.jpg

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This submission is made in response to the Board's public notice dated 1 October 2026, which invites the opinion of the general public pursuant to Regulation 42(13) of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), as amended, on or before 2 November 2026.

1. Introduction

Submitted by Daniel Connaghan, ecologist, [redacted]

1.1 This submission concerns the red-throated diver (Gavia stellata), a species listed on Annex I of the Birds Directive, and the adequacy of the Appropriate Assessments which the Board must now carry out under Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 to 2021 [1], giving effect to Article 6(3) of the Habitats Directive (92/43/EEC).

1.2 It is submitted that (a) the Board's own screening determinations oblige it to assess the effects of the proposed licences on this species; (b) Ballyness Bay is foraging habitat for red-throated divers breeding at Lough Lacha and other waters within the species' published foraging range, so that effects on the bay are effects on the breeding birds themselves; and (c) the Board cannot lawfully conclude that adverse effects are excluded without breeding-season survey data on diver use of the bay, which the Natura Impact Statement of 10 May 2026 does not contain.

1.3 The submitter is a climate and biodiversity technical expert with a United Nations agency. He holds a master's degree in ecology and conservation from Uppsala University, Sweden, worked for three years as a professional ecologist with The Ecology Consultancy, and worked for BirdWatch Ireland (Letterkenny) for one and a half years on the Cooperation Across Borders for Biodiversity (CABB) project, covering Special Areas of Conservation and Special Protection Areas in upland habitat across Donegal. His two-season Survey of Breeding Red Throated Diver in Donegal (2021 to 2022), a study of the rarest breeding bird in Ireland, was funded by a Praeger Grant in Natural History from the Royal Irish Academy, and the report is published by the Academy [15]. The breeding records relied on at paragraph 3.1 come from his fieldwork.

2. The Board's screening determinations engage the red-throated diver

2.1 The Board's public notice of 1 October 2026 records its determination, made under Regulation 42(6), that Appropriate Assessments are required because it cannot be excluded on the basis of objective scientific information that the proposed projects, individually or in combination, will have a significant effect on a number of European sites. The sites listed include the Derryveagh and Glendowan Mountains Special Protection Area (site code 004039) [2]. The Board's updated screening reports of 28 August 2026 record, for each licence site, that the red-throated diver is screened in for Stage 2 Appropriate Assessment because the project lies within the species' foraging

range, with visual disturbance and above water noise disturbance identified as effect pathways [21].

2.2 The red-throated diver is a listed special conservation interest of that Special Protection Area, and the site-specific conservation objective is to maintain the species at favourable conservation condition there [3]. The Appropriate Assessment for these appeals must therefore examine the implications of the proposed licences for this species in view of that objective. An assessment that is silent on the species would be incomplete on the Board's own screening determination.

2.3 The species is close to being lost as an Irish breeding bird. The national breeding population occurs only in Co. Donegal and numbers a handful of pairs; six pairs were recorded within the Special Protection Area in 2010 [3] [4]. The National Parks and Wildlife Service considered the risk serious enough to approve breeding-season predator control within the Special Protection Area in 2025 [5]. Annex I obligations do not depend on the species' global conservation status.

2.4 The species has never been assessed on the record of these applications. The Marine Institute's 2019 report supporting the Appropriate Assessment of aquaculture in Ballyness Bay, on which the Minister's decisions of December 2019 rested, dealt with the red-throated diver of the Derryveagh and Glendowan Mountains Special Protection Area in one line of a table, "No spatial overlap or likely detrimental interactions of conservation features with aquaculture activities in Ballyness Bay SAC, excluded from further analysis" [22]. The Department's Final Appropriate Assessment Conclusion Statement explains the approach taken. The bird assessment focused on species that would exclusively use intertidal sandflat and mudflat habitats, and the special conservation interests of the surrounding Special Protection Areas were treated as feeding in offshore or terrestrial habitats [23]. The species was screened out, in other words, because the licence sites lie outside the Special Protection Area boundary. That is the approach the Court of Justice rejected in Holohan (paragraph 4.2 below). The Board has since reversed the screening and brought the species into Stage 2. No party has yet put before the Board any field observation of red-throated diver use of Ballyness Bay.

3. Lough Lacha and Ballyness Bay function as a single unit of breeding habitat

3.1 Red-throated divers have been recorded at Lough Lacha (Loch Lacha), Cloughaneely, Co. Donegal, in every breeding season from 2021 to 2026. Breeding pairs were recorded there during the 2021 to 2022 survey period, a pair was observed on the same water in the 2025 breeding season, and an adult in breeding plumage was present on the lake in the 2026 season, observed and photographed by the submitter on 19 August 2026. Details of these records can be made available to the Board on request. Precise nest locations are withheld from this public submission for the protection of the species and can be provided to the Board in confidence. The records can be corroborated with the National Parks and Wildlife Service and with the submitter's former colleagues at BirdWatch Ireland. At least one further breeding pair occupies separate water in the wider area; it is the Lough Lacha birds that have a direct line of flight between breeding water and Ballyness Bay. The lake's status as a site for this species is also a matter of long record. County breeding datasets for the species covering 1997 to 2011, compiled by John Cromie, a former Chief Executive of BirdWatch Ireland, together with annual survey reporting from that period, are held by the submitter. During that era an experimental floating nest platform for the species was placed on Lough Lacha itself as a conservation measure, with access and permissions arranged through National Parks and Wildlife Service rangers. These materials can be provided to the Board.

3.2 The species nests on small peatland lakes that typically hold little or no fish, and breeding adults commute to the sea to feed themselves and to provision their chicks. Duckworth et al. (2021) found that at Scottish nest sites many local acidic lochans were devoid of prey, so that marine foraging was the only option for the breeding birds [6].

3.3 The species' maximum recorded foraging range is 9 km, the smallest of any seabird assessed in the standard British and Irish review of seabird foraging ranges [7]. Merrie (1978) found that the density of breeding diver pairs was related to the area of suitable fishing water within approximately 8 km of the nest site [8].

3.4 Every licence site under appeal lies within both thresholds. The straight-line distance from Lough Lacha (Irish Grid 188005, 427873, the centre point recorded in the Placenames Database of Ireland [24]) to the approximate centre of each site, taken from the Department's site map of 3 December 2019 and the coordinate schedule for site T12/516A in the Department's licence file [25], is as follows.

T12/516A, 5.4 km
T12/409A, 5.5 km
T12/502A, 5.7 km
T12/441B, 5.9 km
T12/515A, 5.9 km
T12/441A, 5.9 km
T12/441C, 5.9 km
T12/407B, 6.0 km
T12/500A, 6.1 km
T12/409B (part 1), 6.1 km
T12/409B (part 2), 6.3 km

Site centres other than T12/516A are read from the Department's map and are accurate to within approximately 50 m. The nearest intertidal water of Ballyness Bay lies closer to the lake again. The whole of the licensed area therefore sits between 5.4 km and 6.3 km from an occupied breeding lake, inside the 8 km fishing-water radius of Merrie (1978) and the 9 km maximum foraging range of Woodward et al. (2019).

3.5 On the published evidence, the breeding lake and the bay function as a single unit of breeding habitat; the lake holds the nest and the bay holds the food. The licence sites cannot properly be assessed as features separate from the breeding population that depends on them.

3.6 Shallow estuarine waters of this kind are characteristic foraging habitat for the species. The statutory species account describes red-throated divers foraging in sheltered inshore waters and sandy bays, including shallow sandbanks, with a preference for shallow water [18]. Survey work on breeding birds in Scotland, including visual tracking of foraging flights from nesting lochs, identified important marine foraging areas concentrated in inshore waters within foraging range of breeding sites [19]. The Outer Thames Estuary Special Protection Area, an area of shallow sandbanks and mobile sediments, is classified for the largest aggregation of the species recorded in north-west Europe [20], and in Ireland the species is a special conservation interest of Lough Foyle Special Protection Area, an estuary, as the applicants' own Natura Impact Statement records [16]. Ballyness Bay matches this habitat profile. The Natura Impact Statement describes it as a large and shallow estuarine complex with extensive areas of sandflats exposed at low tide [16], and the Special Area of Conservation is designated for the very features that make up such foraging habitat, namely Estuaries (1130) and Mudflats and sandflats not covered by seawater at low tide (1140), dominated by mobile sand communities. The bay is sheltered, shallow and sandy, carries documented fish populations including a sea trout run recorded in the Natura Impact Statement itself [16], and lies within 9 km of an occupied breeding lake. It is the inshore foraging water the published accounts describe, and the licence sites sit on the sandflats within it.

4. Effects on the bay are effects on the breeding birds and must be assessed as such

4.1 Because breeding adults depend on marine foraging water within range of the nest to maintain their own condition and to provision chicks [6] [8], any reduction in access to, or displacement from, that foraging water acts directly on breeding success. The impact pathway of an installation in the bay ends at the nest.

4.2 This is also the position in law. In Case C-461/17 Holohan v An Bord Pleanala, a reference from the Irish High Court, the Court of Justice ruled that an Appropriate Assessment under Article 6(3) must identify and examine the implications of the proposed project for habitat types and species found outside the boundaries of the protected site, where those implications are liable to affect the site's conservation objectives [9]. The European Commission's methodological guidance on Article 6(3) likewise requires assessment of effects on areas outside a site's boundaries that are functionally linked to it, including the feeding areas of mobile qualifying species [10].

4.3 It follows that the Appropriate Assessment cannot confine itself to the qualifying interests of Ballyness Bay Special Area of Conservation, nor treat the Special Protection Area as unaffected merely because the licence sites lie outside its boundary. The bay is foraging habitat on which breeding red-throated divers depend, and effects on it fall to be assessed against the conservation objective of maintaining the species at favourable conservation condition.

5. Disturbance and displacement sensitivity

5.1 The Board's screening concluded that the proposed projects have the potential to cause increased physical disturbance, habitat loss, increased organic material, increased visual disturbance and above water noise disturbance [2] [21]. Each of these pathways is directly relevant to a foraging diver.

5.2 The red-throated diver is among the most disturbance-sensitive waterbirds in the regulatory literature. The joint interim advice of the United Kingdom statutory nature conservation bodies accepts, on empirical evidence, that the species is displaced from marine infrastructure at distances far exceeding those applied to other species, with displacement of up to 8 km recorded in the Greater Wash, up to 11.5 km in the Outer Thames Estuary, and strong displacement demonstrated by satellite telemetry in the German North Sea [11]. Those figures come from studies of offshore wind farms and of birds wintering at sea, and no equivalence is claimed between a wind farm and a trestle site, nor between a wintering flock and a breeding pair. They are relied on for what they establish about the species, which is that it reacts to human structures and activity at sea at a scale no other waterbird matches. That sensitivity does not disappear in summer, when the birds are confined to a small radius around the nest and have the least room to move elsewhere.

5.3 Intertidal trestle cultivation across the ten sites together would involve recurrent vehicle, vessel and personnel access over the foreshore throughout the breeding season. Given the published evidence that this species avoids a large zone around marine infrastructure, it falls to the applicants to show, with site-specific data, that no such displacement from this foraging habitat will occur.

5.4 The applicants' own project description confirms that this activity would run through the breeding season. The Natura Impact Statement states that oyster husbandry takes place at low water on spring tides, that the mesh bags are turned at every spring tide, and that workers reach the trestles by driving tractors across the beach, often through shallow water on the receding tide. It states that clam seed is obtained in April and that clams are harvested by tractor-drawn dredge, and

it describes access by tractor and trailer from Ballyness pier, from the public road near Ranaghmore Island and along an additional access track of approximately 1 km across the sandflats [16]. Spring tides occur roughly every fortnight throughout the year, so this amounts to vehicle and personnel activity across the sandflats at least fortnightly from April to August, the months in which breeding red-throated divers depend on inshore foraging water. The project description in section 2.1 of the Natura Impact Statement sets out no seasonal restriction on this activity.

6. The legal test the Board must apply

6.1 Under Article 6(3) of the Habitats Directive, as given effect by Regulation 42, the Board may determine the appeals by granting the licences only after having ascertained that they will not adversely affect the integrity of the European sites concerned. In Case C-127/02 Waddenzee the Court of Justice held that such a conclusion may be reached only where no reasonable scientific doubt remains as to the absence of such effects, in the light of the best scientific knowledge in the field [12].

6.2 For the red-throated diver, the best scientific knowledge cannot be said to have been applied without, at minimum, (a) breeding-season survey of red-throated diver use of Ballyness Bay, including flight lines between breeding waters and the bay, carried out to a recognised protocol [13]; and (b) assessment of all licence sites in combination.

6.3 The revised Natura Impact Statement (AQUAFACT, APEM Group, May 2026) screens the red-throated diver in for Stage 2 assessment, acknowledging potential interaction because the species breeds on freshwater lakes and forages on the coast [16]. Its assessment of bird disturbance is desk-based, drawing on published foraging-range reviews, National Biodiversity Data Centre records, the BirdWatch Ireland website and the 2019 Marine Institute assessment. It contains no breeding-season survey of red-throated diver use of Ballyness Bay, no flight-line data, and no consideration of occupied breeding waters within foraging range of the bay. The 2019 Marine Institute assessment on which it draws is the document that excluded the species from analysis altogether (paragraph 2.4 above), so reliance on it adds nothing. On that evidence, reasonable scientific doubt remains and the appeals cannot lawfully be determined by granting the licences.

6.4 Two features of the Natura Impact Statement's treatment call for particular scrutiny. First, it cautions that maximum foraging ranges are often extreme values unrepresentative of the wider population. For this species that point does not assist the applicants, since every licence site lies between 5.4 km and 6.3 km from the breeding water (paragraph 3.4), within the published maximum of 9 km and within the 8 km fishing-water radius of Merrie (1978), and the relevant distance is from the breeding water to the licence sites rather than from the Special Protection Area boundary. Second, the disturbance-risk framework it applies (Furness et al. 2013) itself ranks divers among the bird species most sensitive to visual disturbance from human activity, which supports the concerns set out in section 5 [17].

6.5 The in-combination assessment is also incomplete. The Board's updated screening report of 28 August 2026 for site T12/516A adds a plan or project that post-dates the Natura Impact Statement, namely a marine survey licence issued to Uisce Éireann in June 2026 for a proposed wastewater treatment plant outfall approximately 1.85 km from the licence site [21]. The Natura Impact Statement of May 2026 could not have assessed this project in combination with the proposed licences. Regulation 42 obliges the Board to assess the proposed licences in combination with other plans and projects, and that assessment must now include the proposed outfall and its potential effects on water quality, prey availability and disturbance in the foraging habitat described in section 3.

7. Breeding waters outside classified areas

7.1 Separately, and insofar as breeding waters used by the species lie outside any classified Special Protection Area, the second sentence of Article 4(4) of the Birds Directive obliges the State to strive to avoid pollution or deterioration of the habitats of Annex I species beyond protected areas.

7.2 Further, the Court of Justice has held that a territory which meets the ornithological criteria for classification but has not been classified remains subject to the regime of the first sentence of Article 4(4) of the Birds Directive, a regime stricter than that of Article 6(3) and (4) of the Habitats Directive, under which economic and recreational interests do not enter into consideration [14]. A Member State's failure to classify the most suitable territories cannot operate to the advantage of an applicant for consent.

8. Conclusions and requests

8.1 The Board is respectfully requested to

(1) Ensure that its Appropriate Assessments expressly assess the implications of the proposed licences, individually and in combination, for the red-throated diver as a special conservation interest of the Derryveagh and Glendowan Mountains Special Protection Area, including effects on the species' foraging habitat in Ballyness Bay.

(2) Require site-specific, breeding-season survey data on red-throated diver use of Ballyness Bay before reaching any conclusion on adverse effects.

(3) In the absence of such data, refuse the licences, since the test in Article 6(3) and Regulation 42, as interpreted in Waddenzee, cannot be met while reasonable scientific doubt remains.

Daniel Connaghan
[redacted]

Notes

[1] European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), as amended; cited as the European Communities (Birds and Natural Habitats) Regulations 2011 to 2021.
https://www.google.com/url?q=https://www.irishstatutebook.ie/eli/2011/si/477/&source=gmail&ust=1793350444283000&sa=E

[2] Aquaculture Licences Appeals Board, Public Notice, Notice of an Appropriate Assessment, dated 1 October 2026, appeals AP2 to AP11/2025, Ballyness Bay, Co. Donegal.

[3] NPWS (2024) Conservation Objectives, Derryveagh and Glendowan Mountains SPA 004039. National Parks and Wildlife Service.
https://www.google.com/url?q=https://www.npws.ie/sites/default/files/protected-

sites/conservation_objectives/CO004039.pdf&source=gmail&ust=1793350444283000&sa=E

[4] NPWS Site Synopsis, Derryveagh and Glendowan Mountains SPA, site code 004039. https://www.google.com/url?q=https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY004039.pdf&source=gmail&ust=1793350444283000&sa=E

[5] Department of Housing, Local Government and Heritage, Predator control measures within Derryveagh and Glendowan Mountains SPA, Determination on Screening for Appropriate Assessment (2025). https://www.google.com/url?q=https://www.gov.ie/en/department-of-housing-local-government-and-heritage/publications/predator-control-measures-within-derryveagh-and-glendowan-mountains-spa-determination-on-screening-for-appropriate-assessment&source=gmail&ust=1793350444283000&sa=E

[6] Duckworth, J. et al. (2021) Journal of Avian Biology. Variation in foraging strategies of breeding red-throated divers; marine foraging where nesting lochans held no prey.

[7] Woodward, I. et al. (2019) Desk-based revision of seabird foraging ranges used for HRA screening. BTO Research Report 724. Maximum foraging range for red-throated diver is 9 km, the smallest of any seabird assessed.

[8] Merrie, T.D.H. (1978) Relationship between spatial distribution of breeding divers and the availability of fishing waters. Bird Study 25.

[9] Case C-461/17 Holohan and Others v An Bord Pleanala, judgment of 7 November 2018, operative part, point 1.

[10] European Commission (2021) Assessment of plans and projects in relation to Natura 2000 sites. Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC.

[11] Joint SNCB Interim Displacement Advice Note (2022 update); Webb, A. et al. (2017), Greater Wash; APEM (2021), Outer Thames Estuary; Heinanen, S. et al. (2020) Marine Environmental Research 160, satellite telemetry evidence of displacement, German North Sea.

[12] Case C-127/02 Waddenvereniging and Vogelbeschermingsvereniging (Waddenzee), judgment of 7 September 2004, paragraphs 56 to 61.

[13] Gilbert, G., Gibbons, D.W. and Evans, J. (1998) Bird Monitoring Methods, a manual of techniques for key UK species. RSPB, Sandy.

[14] Case C-355/90 Commission v Spain (Santona Marshes), judgment of 2 August 1993; Case C-374/98 Commission v France (Basses Corbieres), judgment of 7 December 2000.

[15] Royal Irish Academy, Praeger Grants in Natural History, Survey of Breeding Red Throated Diver in Donegal, report published 26 May 2022. https://www.google.com/url?q=https://www.ria.ie/taxonomy/term/1428&source=gmail&ust=1793350444283000&sa=E

[16] AQUAFACT, APEM Group (May 2026) Ballyness Bay Oyster and Clam Aquaculture Sites, Revised Screening for Appropriate Assessment and Natura Impact Assessment, prepared on behalf of the applicants; section 2.1 (Description of the Project), section 2.2 (Receiving Environment) and section 2.5.4 (Special Protection Areas).

https://www.google.com/url?q=https://www.alab.ie/media/alab/P19963_Ballyness_NIS_Revised.pdf&source=gmail&ust=1793350444283000&sa=E

[17] Furness, R.W., Wade, H.M. and Masden, E.A. (2013) Assessing vulnerability of marine bird populations to offshore wind farms. Journal of Environmental Management 119.

[18] Natural England (2012) Red-throated diver, species information for marine Special Protection Area consultations. Technical Information Note TIN141.
https://www.google.com/url?q=https://publications.naturalengland.org.uk/file/3892994&source=gmail&ust=1793350444283000&sa=E

[19] Black, J., Dean, B.J., Webb, A., Lewis, M. and Okill, D. Identification of important marine areas in the UK for red-throated divers (Gavia stellata) during the breeding season. JNCC Report 541.
https://www.google.com/url?q=https://data.jncc.gov.uk/data/aa2b2c8d-950f-4328-bb80-89b4453c78c6/JNCC-Report-541-FINAL-WEB.pdf&source=gmail&ust=1793350444283000&sa=E

[20] JNCC, Outer Thames Estuary SPA site account (classified for wintering red-throated diver; 6,466 individuals at classification, with 14,161 recorded by digital aerial survey in February 2013).
https://www.google.com/url?q=https://jncc.gov.uk/our-work/outer-thames-estuary-spa&source=gmail&ust=1793350444283000&sa=E

[21] Aquaculture Licences Appeals Board, Updated Screening for Appropriate Assessment Reports (updated site-specific conservation objectives), dated 28 August 2026, issued for each licence site under appeal; the report for site T12/516A.
https://www.google.com/url?q=https://www.alab.ie/media/alab/T12-516A%2520Screening%2520for%2520Appropriate%2520Assessment%2520Report%2520-%2520updated%2520SSCO.pdf&source=gmail&ust=1793350444283000&sa=E

[22] Marine Institute (2019) Report supporting Appropriate Assessment of Aquaculture in Ballyness Bay SAC (Site code: 001090), Table 4-3, entry for Derryveagh and Glendowan Mountains SPA (004039); published on the Board's appeal pages as "Appropriate Assessment Ballyness Bay Report", received 23 January 2020.

[23] Department of Agriculture, Food and the Marine, Final Appropriate Assessment Conclusion Statement by Licensing Authority in support of the Appropriate Assessment of Aquaculture in Ballyness Bay SAC, section headed "Birds/Habitats issues raised during the aquaculture licensing process for sites in this SAC/SPA"; published on the Board's appeal pages as "Ballyness Bay Final AA Conclusion Statement", received 23 January 2020.

[24] Placenames Database of Ireland (https://www.google.com/url?q=http://logainm.ie&source=gmail&ust=1793350444284000&sa=E), Loch Lacha / Lough Lagha, entry 1396456, centre point 55.098 N, 8.18864 W, converted to Irish Grid.
https://www.google.com/url?q=https://www.logainm.ie/en/1396456&source=gmail&ust=1793350444284000&sa=E

[25] Department of Agriculture, Food and the Marine, Consolidated DAFM File for appeal AP16/1-2/2020 (now AP11/1-2/2025), site T12/516A, received by the Board 23 January 2020; map "Ballyness Bay, Co. Donegal, Aquaculture Sites", drawn 3 December 2019, scale 1:12,000, Irish Grid; and Co-ordinates and Area schedule for site T12/516A (0.1436 ha), Department of Marine and Natural Resources Engineering Division, 13 April 2017, Irish National Grid points 191407 432081, 191417 432085, 191444 432025, 191442 431972, 191433 431970 and 191429 432024.

Red-throated diver, Donegal, 19 August 2026

Stills taken from the phone-scoped video (VID_20260819_111508.mp4) and the two phone-scoped photos. Each image has been cropped around the bird, rotated so the shoreline is level, and enlarged three to four times with light sharpening. No other adjustment has been made. The link can be viewed here: https://drive.google.com/file/d/1rU_ip5sDB6DWsKQBP8m7FQ2ueCzD9pfm/view?usp=sharing

Features visible across the set that confirm red-throated diver in breeding plumage are the thin bill held tilted upward, the slim neck and small rounded head, the grey head and neck with a pale face and white chin, the dark red throat patch, the white underparts, and the plain dark unpatterned upperparts with no white chequering.



Video frame at 3.5 s. Full profile. Slim neck, small head, thin bill held tilted upward, body sitting low in the water with the back line flat and unpatterned.



Video frame at 3.8 s. Head and neck profile showing the fine uptilted bill and the smooth rounded crown.



Video frame at 6.7 s. Bird rising on the water with the head turned towards the camera. Dark red throat patch, grey head and neck, white underparts.



Video frame at 8.3 s. Bird surfacing. Red throat patch visible on the front of the neck, pale face and white chin.



Video frame at 7.8 s. Surfacing head on, red patch on the foreneck and pale face.



Video frame at 10.5 s. Surfacing, head turned away. Pale face and white chin against the grey head.

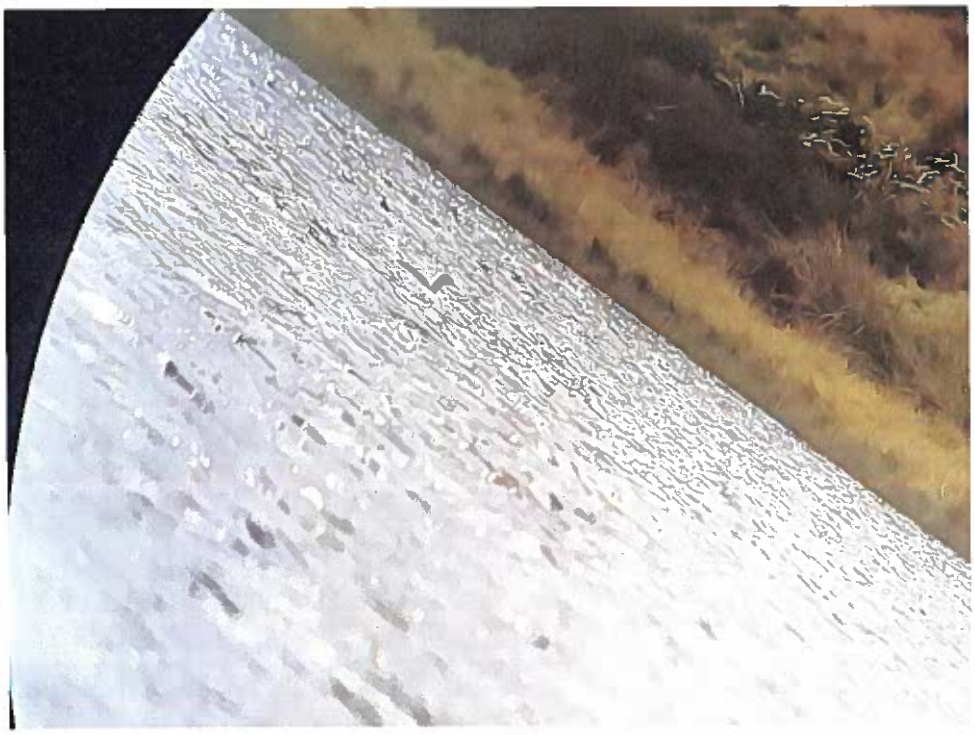


Still photo 1. Profile with the bill angled upward, slender neck and low flat back.



Still photo 2. Head and neck in profile, bill angled upward.

Original photos, uncropped



Original photo 1.



Original photo 2.