



Department of  
**Agriculture,  
Food and the Marine**  
An Roinn  
**Talmhaíochta,  
Bia agus Mara**

Date: 07/11/2017

To ALAB

File Ref: See Attached Table

**NOTIFICATION OF MINISTER'S DECISION TO GRANT AND TO REFUSE  
TO GRANT AN AQUACULTURE LICENCE AND A FORESHORE  
LICENCE.**

Dear Ms O'Hara,

I enclose a copy of the Notice of the Minister's Decision to grant and to refuse to grant an Aquaculture Licence to: see **attached table** which will be advertised in the "Donegal Democrat" on **Thursday the 16<sup>th</sup> of November 2017.**

Yours sincerely,

Eileen Maher  
Aquaculture and Foreshore Management Division  
Department of Agriculture Food and the Marine  
National Seafood Centre  
Clonakilty, Co Cork  
EileenM.Maher@agriculture.gov.ie  
Tel No:0238859505



Reference Number	Name	Species	Bay	Decision
T12/385	John McKinney Harbour View Greencastle Co.Donegal	Pacific Oysters	Trawbreaga Bay, Co.Donegal	Grant Licence
T12/426	James Ball Carrowmore Malin Head Co.Donegal	Pacific Oysters	Trawbreaga Bay, Co.Donegal	Refuse Licence
T12/427A & T12/427B	Philip C Doherty Churchtown Carndonagh Co.Donegal	Pacific Oysters	Trawbreaga Bay, Co. Donegal	Grant Licence
T12/458A & T12/458B	Benedetta Cazzamali, c/o Cipollone, Ballinvragnoisig, Riverstick , Co.Cork	Pacific Oysters	Cruit Strand, Kincasslagh Bay, Gweedore, Co.Donegal	Refuse Licence
T12/470	Michael McLaughlin Keenaglug Carndonagh Co.Donegal	Pacific Oysters	Trawbreaga Bay, Co.Donegal	Refuse Licence
T12/471	Marjorie Doherty Slievebawn Malin Head Co.Donegal	Pacific Oysters	Trawbreaga Bay, Co.Donegal	Refuse Licence
T12/472	James Neary North Town Malin Head Co.Donegal	Pacific Oysters	Trawbreaga Bay, Co.Donegal	Refuse Licence
T12/476	Tiarnan McDaid Glasha Carndonagh Co.Donegal	Pacific Oysters	Trawbreaga Bay, Co.Donegal	Refuse Licence
T12/488	Andrew Davis Ballycrampsie Malin Head Co.Donegal	Pacific Oysters	Trawbreaga Bay, Co.Donegal	Refuse Licence



# Classifieds

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**Deadlines:**

**Classified Display & Lease deadline:**  
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 Monday 2:00 pm  
**Motor/Property/Job deadline:**  
 Tuesday 1:00 pm

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**Public Notices**

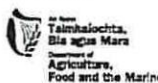
**FISHERIES (AMENDMENT) ACT, 1997 (NO. 23) FORESHORE ACT, 1933 (NO. 12) NOTICE OF DECISION TO GRANT AND REFUSE TO GRANT AQUACULTURE AND FORESHORE LICENCES.**

The Minister for Agriculture, Food and the Marine has decided to grant and refuse Aquaculture and Foreshore Licences to the following in the table below in Co. Donegal:

Reference Number	Name	Species	Bay	Decision
T12/383	John McKinney Harbour View Greencastle Co. Donegal	Pacific Oysters	Trawbreaga Bay, Co. Donegal	Grant Licence
T12/426	James Ball Carrowmore Malin Head Co. Donegal	Pacific Oysters	Trawbreaga Bay, Co. Donegal	Refuse Licence
T12/427A & T12/427B	Philip C Doherty Churchtown Camdonagh Co. Donegal	Pacific Oysters	Trawbreaga Bay, Co. Donegal	Grant Licence
T12/458A & T12/458B	Benedetta Cazzamali, c/o Cipollone, Ballinvraghsig Riverstick, Co. Cork	Pacific Oysters	Cruit Strand Kneasslagh Bay, Gweedore, Co. Donegal	Refuse Licence
T12/470	Michael McLaughlin Kearag'us Camdonagh Co. Donegal	Pacific Oysters	Trawbreaga Bay, Co. Donegal	Refuse Licence
T12/471	Marjorie Doherty Slievebawn Malin Head Co. Donegal	Pacific Oysters	Trawbreaga Bay, Co. Donegal	Refuse Licence
T12/472	James Neary North Town Malin Head Co. Donegal	Pacific Oysters	Trawbreaga Bay, Co. Donegal	Refuse Licence
T12/476	Tiarnan McDaid Glasna Camdonagh Co. Donegal	Pacific Oysters	Trawbreaga Bay, Co. Donegal	Refuse Licence
T12/488	Andrew Davis Ballycrampsie Malin Head Co. Donegal	Pacific Oysters	Trawbreaga Bay, Co. Donegal	Refuse Licence

The reasons for this decision are elaborated on the Department's website at <http://www.agriculture.gov.ie/sa/food/aquacultureforeshoremanagement/aquaculturelicensing/aquaculturelicencedecisions/donegal/>  
 An appeal against the Aquaculture Licence decision may be made in writing within one month of the date of its publication, to THE AQUACULTURE LICENCES APPEALS BOARD, Kilminchy Court, Portlaoise, Co. Laois, by completing the Notice of Appeal Application Form available from the Board, phone 037 86 31912, e-mail [info@alab.ie](mailto:info@alab.ie) or website at <http://www.alab.ie/>  
 A person may question the validity of the Foreshore Licence determination by way of an application for judicial review, under Order 84 of the Rules of the Superior Court (SI No. 13 of 1986). Practical information on the review mechanism can be obtained from the Citizens Information Board at: <http://www.citizensinformation.ie/>

[www.agriculture.gov.ie](http://www.agriculture.gov.ie)  
 @agriculture\_ie



**Planning Notices**

**DONEGAL COUNTY COUNCIL**

Monken, St. Johnston, Co. Donegal

L. Kenneth Vance an applicant to Donegal County Council for Planning Permission to Use 5 Number Baining Agricultural Sheds within my farmyard complex for waste recovery purposes to include Reception, Storage and Treatment of Bio Waste products on site (land spreading within my landholding). The proposal shall include the following: a) proposed drainage provision in use for collection of run off to a proposed collection tank and b) provision within one of the existing Sheds for baling and temporary storage of recyclable papers and containers for recycling purposes off site and c) Associated Site and Ancillary Development Works at Monken, St. Johnston, Co. Donegal in the Townland of Monken. The Planning Application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority during its Public Opening Hours at County House, Lifford, Co. Donegal. Submissions or Observations in relation to this development may be made to the Planning Authority in writing, on payment of the prescribed fee, within the period of five weeks beginning on the date of receipt of the Application by the Planning Authority.

**DONEGAL COUNTY COUNCIL**

Craggan, Ballyhealy, Co. Donegal

Ms Susan O'Reilly & Susan McElroy are applying to Donegal County Council for Planning Permission for Construction of a Dwelling House, Detached Domestic Garage, Septic Tank / Sewage Treatment System and associated site development works at Craggan, Ballyhealy, Co. Donegal in the Townland of Craggan. The Planning Application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority during its Public Opening Hours at County House, Lifford, Co. Donegal. Submissions or Observations in relation to this development may be made to the Planning Authority in writing, on payment of the prescribed fee, within the period of five weeks beginning on the date of receipt of the Application by the Planning Authority.

**Planning Notices**

**PLANNING APPLICATION TO DONEGAL COUNTY COUNCIL**

Franciscan Friary, Cvelmore, Rannawagh, Co. Donegal (F4-181)

The SF Trust Ltd is applying to Donegal County Council for Planning Permission for the development of the Franciscan Friary, Cvelmore, Rannawagh. The development for which the permission is sought is the extension of an existing graveyard. The application may be inspected or purchased, at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority during its public opening hours. Submissions or observations in relation to this development may be made to the Planning Authority in writing, on payment of the prescribed fee, within the period of five weeks beginning on the date of receipt of the application by the Planning Authority and such Submissions or Observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission subject to or without conditions, or may refuse to grant the permission.

**Planning Notices**

**DONEGAL COUNTY COUNCIL**

Magheracran, Convooy, Co. Donegal

Ms Imogen & Lynda Chambers are applying to Donegal County Council for Planning Permission for Construction of a Dwelling House, Detached Domestic Garage, Septic Tank / Sewage Treatment System and associated site development works at Magheracran, Convooy, Co. Donegal in the Townland of Magheracran. The Planning Application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority during its Public Opening Hours at County House, Lifford, Co. Donegal. Submissions or Observations in relation to this development may be made to the Planning Authority in writing, on payment of the prescribed fee, within the period of five weeks beginning on the date of receipt of the Application by the Planning Authority.

**Planning Notices**

**DONEGAL COUNTY COUNCIL**

Shanaghan, Ardara, Co. Donegal

Neil Gallagher is making an application to Donegal Co. Council for planning permission for the development of land at Shanaghan, Ardara, Co. Donegal in the Townland of Shanaghan. The development consists of permission to complete house previously granted under planning ref. 042761 and change of house design from that granted under planning ref. 042761 and associated site works. The planning application may be inspected or purchased, at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority during its public opening hours. Submissions or observations in relation to the application may be made to the Planning Authority in writing, on payment of the prescribed fee, within the period of five weeks beginning on the date of receipt of the application by the Planning Authority.

**Planning Notices**

**DONEGAL COUNTY COUNCIL**

Ballynane, Ballyhealy, Co. Donegal

Ms Brenda O'Brien & Lisa Ferguson are applying to Donegal County Council for Planning Permission for Construction of a Dwelling House, Detached Domestic Garage, Septic Tank / Sewage Treatment System and associated site development works at Ballynane, Ballyhealy, Co. Donegal in the Townland of Ballynane. The Planning Application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority during its Public Opening Hours at County House, Lifford, Co. Donegal. Submissions or Observations in relation to this development may be made to the Planning Authority in writing, on payment of the prescribed fee, within the period of five weeks beginning on the date of receipt of the Application by the Planning Authority.

**Planning Notices**

**DONEGAL COUNTY COUNCIL**

Lurganboy Townland, Donegal Town, Co. Donegal

We Pat Britton & Co Ltd intend to apply to Donegal County Council for planning permission for amendments to a previously approved office building planning reference 17/518/8, to be constructed on lands on a site bounded by the R257 (A270) and change of house design from that granted under planning ref. 042761 and associated site works. The planning application may be inspected or purchased, at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority during its public opening hours. Submissions or observations in relation to the application may be made to the Planning Authority in writing, on payment of the prescribed fee, within the period of five weeks beginning on the date of receipt of the application by the Planning Authority.

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**Planning Notices**

**DONEGAL COUNTY COUNCIL**

Lurganboy, Donegal Town

Abbott Ireland intend to apply for permission for development at their existing Abbott Ireland Diabetes Centre at Lurganboy, Donegal Town, Co. Donegal. The development will consist of modifications and extensions to the existing plant, resulting 3,361sq m., comprised of:  
 a) Extension 1 Warehouse extension of 1,250 sq.m. at the rear north east corner of the plant;  
 b) Extension 2 New two-storey office extension of 763 sq.m. at the front, north west corner of the plant;  
 c) Extension 3 New single storey extension of 188sq m. housing extended sanitary facilities at the front, south west corner of the plant;  
 d) Extension 4 New internal first floor extension of 1,071 sq.m. to provide new first floor plant area and additional office accommodation. The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours. A submission or observation may be made in writing to the planning authority on payment of the prescribed fee, 20.00, within the period of 5 weeks beginning on the date of receipt by the authority of the application, and such submissions or observations will be considered by the planning authority in making a decision on the application. The planning authority may grant permission subject to or without conditions or may refuse to grant the permission.

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**Ref: T 12/426**

**Mr James Ball  
Carrowmore  
Malin Head  
Co.Donegal**

**FISHERIES (AMENDMENT) ACT, 1997 (NO.23)  
NOTICE OF MINISTERIAL DECISION TO REFUSE TO GRANT AN  
AQUACULTURE LICENCE AND FORESHORE LICENCE.**

Dear Mr Ball

I would like to inform you that the Minister For Agriculture, Food and the Marine has refused your application for an Aquaculture Licence and Foreshore Licence, for the cultivation of Pacific Oysters using bags and trestles on site No.T12/426A (See attached information note). I enclose a copy of the public notice of the decision which **the Department** has arranged to have published in "Donegal Democrat".

Any person aggrieved by the decision may, in accordance with Section 41 of the Fisheries (Amendment) Act 1997, appeal against it in writing to the Aquaculture Licences Appeals Board. This appeal must be lodged within one month beginning on the date of the publication of the decision.

In addition, a person may question the validity of the Foreshore Licence determination by way of an application for judicial review, under Order 84 of the Rules of the Superior Court (SI No. 15 of 1986). Practical information on the review mechanism can be obtained from the Citizens Information Board at:

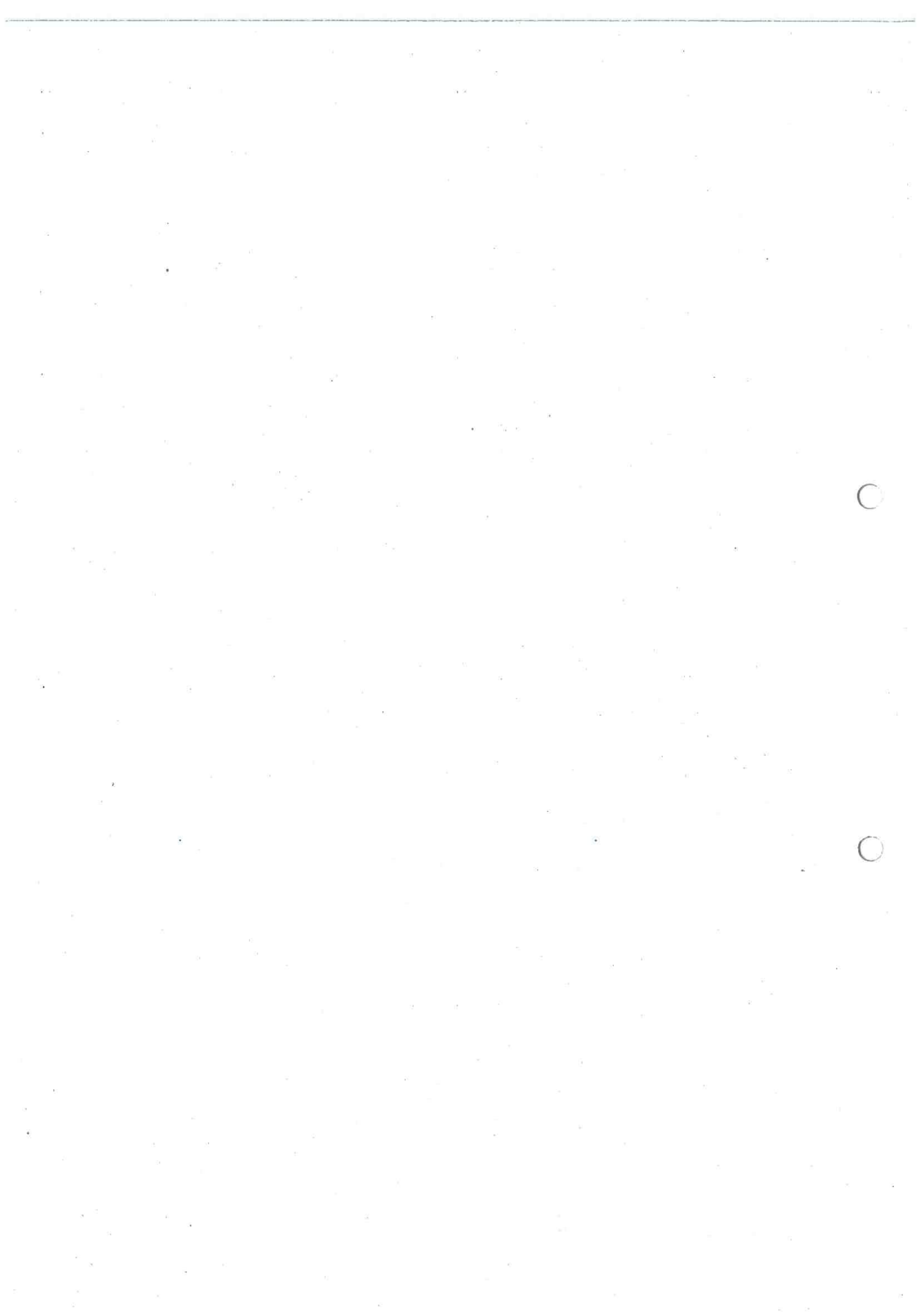
<http://www.citizensinformation.ie/>

Yours sincerely



Karen Gill  
07/11/2017

**Aquaculture and Foreshore Management Division**





**S.12 (3) OF THE FISHERIES (AMENDMENT) ACT, 1997(NO.23)  
INFORMATION NOTE TO APPLICANT FOR THE PURPOSE OF REGULATION 18  
OF THE AQUACULTURE (LICENCE APPLICATION) REGULATIONS 1998**

**REFERENCE NO:** T12/426

**APPLICANT:** Mr James Ball

**AQUACULTURE TO WHICH  
DECISION RELATES:** Cultivation of Pacific Oysters using bags and  
trestles on site T12/426A on the foreshore in  
Trawbreaga, Co Donegal.

**NATURE OF DECISION:** Refusal of Licence.

**DATE OF DECISION:** 03/11/2017

**REASON FOR REFUSAL:**

- Landscape Impact: This area of the bays's proximity to neighbouring areas of scenic importance and its location alongside a locally important tourist road would tend to suggest a moderate level of sensitivity to landscape change. While individual sites are not likely to give rise to substantial landscape scale impacts, wider area aquaculture developments, involving most of the aquaculture sites applied for in this area, including T12/426, would give rise to landscape impacts of substantial significance;

- Visual Impact: the proposed oyster farm is likely to cause moderate to substantial visual impacts on views on the R242 route."



## Extract

### To be inserted in Donegal Democrat

#### **FISHERIES (AMENDMENT) ACT, 1997 (NO. 23) FORESHORE ACT, 1933 (NO. 12) NOTICE OF REFUSAL TO GRANT AQUACULTURE AND FORESHORE LICENCES.**

The Minister for Agriculture, Food and the Marine has refused to grant Aquaculture and Foreshore Licences to, Mr James Ball, Carrowmore, Malin Head, Co. Donegal REF: T12/426A for the cultivation of Pacific Oysters using bags and trestles on a site on the foreshore in Trawbreaga Bay, Co. Donegal. The reasons for this decision are elaborated on the department's website at [www.agriculture.gov.ie/seafood/aquaculturelicensing](http://www.agriculture.gov.ie/seafood/aquaculturelicensing)

An appeal against the Aquaculture Licence decision may be made in writing, within one month of the date of its publication, to THE AQUACULTURE LICENCES APPEALS BOARD, Kilminchy Court, Portlaoise, Co. Laois, by completing the Notice of Appeal Application Form available from the Board, phone 057 86 31912, e-mail [info@alab.ie](mailto:info@alab.ie) or website at <http://www.alab.ie/>

A person may question the validity of the Foreshore Licence determination by way of an application for judicial review, under Order 84 of the Rules of the Superior Court (SI No. 15 of 1986). Practical information on the review mechanism can be obtained from the Citizens Information Board at: <http://www.citizensinformation.ie/>



## 00219-17: Recommendation to Refuse an Aquaculture and Foreshore Licences for 1 site (T12/426A)

<b>To:</b> Minister	<b>Author:</b> EileenM Maher
<b>Status:</b> Completed	<b>Owner:</b> Maher, EileenM
<b>Purpose:</b> For Decision	<b>Reviewers:</b> Foley, Gerry, Whelton, Batt, Quinlan, John, Beamish, Cecil
<b>Division/Office:</b> Coastal Zone Management	
<b>Decision By:</b>	

### Final Comment

Minister determines that the Aquaculture and Foreshore Licences not be granted for the reasons outlined.

### Action Required

Ministerial Determination on Aquaculture/Foreshore Licensing Application (T12/426)

### Executive Summary

The Minister's determination is requested in relation to an application of an Aquaculture Licence from James Ball, Carrowmore, Malin Head, Co. Donegal. The application is for the cultivation of Pacific Oysters using bags and trestles on Site T12/426A, totalling 1.14 ha on the foreshore in Trawbreaga Bay, Co Donegal.

A submission in respect of the application for the Foreshore Licence is also set out for the Minister's consideration.

It is recommended that the Minister determines that the Aquaculture and Foreshore Licences **not be granted** for the reasons outlined in the 'Detailed Information' section below.



## Comments

- (01/11/2017 09:55:14) Ann Smith: Approved for submission to Minister.
- (01/11/2017 09:50:08) Cecil Beamish: Recommended that the Minister determines that the Aquaculture and Foreshore Licences not be granted for the reasons outlined in the submission.
- (31/10/2017 13:30:44) John Quinlan: Refusal is recommended please for the reasons set out in the detailed submission.
- (25/10/2017 10:28:00) Batt Whelton: I agree with the recommendation that the application be refused as the proposed oyster farm is likely to cause moderate to substantial visual impacts on views from the local tourist road."
- (24/10/2017 17:50:43) Gerry Foley: Aquaculture and Foreshore licence applications recommended for refusal by the Minister for the reasons outlined in the submission above.

## Detailed Information

### Recommendation Refuse an Aquaculture Licence application (T12/426)

#### DECISION SOUGHT

The Minister's determination is requested please in relation to an application for an Aquaculture Licence from James Ball, Carrowmore, Malin Head, Co. Donegal for a site in Trawbreaga Bay, Co. Donegal.

Also attached is a submission in respect of the accompanying Foreshore Licence, for the Minister's consideration.

#### BACKGROUND

Marine aquaculture operations require separate Aquaculture and Foreshore Licences and Ministerial approval is required in respect of this submission (Aquaculture Submission) and submission underneath (Foreshore Submission), which refer to the same site.

The Aquaculture Licence defines the activity that is permitted on a particular site and the Foreshore Licence allows for the occupation of that particular area of foreshore. The continuing validity of each licence is contingent on the other licence remaining in force.





## APPLICATION FOR AN AQUACULTURE LICENCE

An application for an Aquaculture Licence has been received from the applicant referred to at 1.0 above (in conjunction with an application for a Foreshore Licence), for the cultivation of Pacific Oysters using bags and trestles in relation to a 1.14 hectare site on the foreshore in Trawbreaga Bay, Co. Donegal (numbered T12/426A – see **TAB A**)

## LEGISLATION

Section 7 of the Fisheries (Amendment) Act 1997 provides that the licensing authority (i.e. Minister, delegated officer or, on appeal, the Aquaculture Licences Appeals Board) may, if satisfied that it is in the public interest to do so, license a person to engage in aquaculture.

## CONSULTATION AND PUBLIC COMMENT

The application was sent to the Department's technical experts, statutory consultees and was also publicly advertised in a composite public notice covering both aquaculture and foreshore elements.

### Technical Consultation

Marine Engineering Division: – recommended that this site should not be licensed for the following reasons:

Maintain orderly aquaculture development in the bay;

Preventing physical change impact on the foreshore area involved, and

Preventing significant visual impact to tourist users of R242 regional road.

MED subsequently prepared a comprehensive 'Landscape and Visual Impact Assessment' on a number of sites in Trawbreaga Bay, including this site (this is covered under a separate heading below).

Marine Survey Office: No objection to this development from a navigational perspective.

Sea Fisheries Protection Authority: No comments to make from a fisheries perspective



**Statutory Consultation**

Regulation 10 of the Aquaculture (Licence Application) Regulations, 1998 requires certain statutory bodies to be notified of an Aquaculture Licence application.

Comments were received from the following statutory bodies:

Marine Institute: No objection to the licence being granted.

Commissioner of Irish Lights: No objection to the granting of this licence.

Donegal County Council (DCC): Raised concerns regarding the adequacy of the Appropriate Assessment. They also had views on the proposal in the context of the County Development Plan 2012-2018 (as varied). In particular, DCC noted that the new licence applications represented a significant intensification of activity at a sensitive location along the north Donegal coastline and this would have a negative visual amenity impact. They regard the new proposed licence areas to represent a material contravention of the County Development Plan.

*The Department and its scientific advisors, the Marine Institute, acknowledge the considered nature of the observations from Donegal County Council in relation to the AA, but they do not, in our view, raise any significant issue. The nature of AA reports in relation to aquaculture differ from others in that they consider a large number of applications as opposed to individual projects that may be considered by Planning Officers.*

*The visual amenity impacts are addressed under the 'Landscape and Visual Impact Assessment' heading. As regards the assertion that the new licence proposed areas representing a material contravention of the County Development Plan, it should be noted the such Plans deal with developments on the landward side of the high water mark and these proposed sites are located in the marine area.*

DHPLG: No comments received.

BIM: Are satisfied that the proposed aquaculture operation does not conflict with any other aquaculture or inshore fisheries in the area.

IFI: Noted that the proposal did not appear to have any significant implications for the operation of commercial/recreational salmon and other inshore fisheries in the area. Also noted that the site is located east of the main channel and the applicant should take all necessary measures to ensure that the development would not interfere with the passage of migrating salmon and sea trout.



Department of Culture, Heritage and the Gaeltacht (DCHG): Provided observations from a Birds/Habitats perspective, for consideration concerning the proposed licensing of aquaculture activities in Trawbreaga Bay. *These issues are addressed in the Licensing Authority's Conclusion Statement for aquaculture activities in North Inishowen SAC (Site Code: 2012) and Trawbreaga Bay SPA (Site Code: 4034 – see Conclusion Statement attached).*

### **Public Consultation**

The application was publicly advertised using a composite public notice covering both aquaculture and foreshore elements, in the Donegal Democrat on 11th May 2017. The application and supporting documentation were available for inspection at Buncrana and Carndonagh Garda Stations for a period of 4 weeks from the date of publication of the notice in the newspaper.

There were no objections received from the public consultation process.

### **LANDSCAPE and VISUAL IMPACT ASSESSMENT (LVIA)**

Environmental Impact Assessment (EIA) is an important tool for predicting and evaluating the wide range of effects of a development on the environment and on people. Landscape and Visual Impact Assessment (LVIA) is a separate but closely linked process. It aims to ensure that all possible effects of change and development both on the landscape itself and on views and visual amenity are taken into account in decision-making.

The Minister has already determined that an Environmental Impact Statement is not required for this project. This determination also contained a recommendation that a Landscape and Visual Impact Assessment be carried out.

Marine Engineering Division (MED) subsequently prepared a comprehensive 'Landscape and Visual Impact Assessment' on a number of proposed aquaculture sites in Trawbreaga Bay, including this site T12/426A (See **TAB A**). The report considered the landscape and visual impact of 11 new aquaculture applications (trestle based oyster aquaculture) located in the northwest portion of inner Trawbreaga Bay. These are all new applications.

Much of the oyster farm development to date in Trawbreaga Bay has low visibility levels to the public. In general, the new oyster farm proposals under consideration in the LVIA have higher levels of visibility to the public. Trawbreaga Bay itself is located on the Wild Atlantic Way route. In particular, the R242 road/Wild Atlantic Way passes very close to Trawbreaga Bay foreshore at the area of interest in the LVIA assessment. While the sites are located in a thinly populated rural area, visitors to the Malin Head peninsula may be expected to travel this route.



There appears to be a mix of visual sensitivities – ranging from low to moderate (foreshore users/local road users) to high sensitivity (non-local/tourists, including users of the Wild Atlantic Way).

For some viewpoints, e.g. R242 at Balleelaghan/Goorey uninterrupted views continue for a length of 1.1 km and more prolonged viewing of the relevant foreshore area is possible. Critically these views will be of short distance and will directly overlook the foreshore.

In summary, the assessment finds that visual impacts of substantial significance would arise in the case of 6 development proposals, including site T12/426A. The report recommends that these applications be refused on visual impact grounds.

### **CRITERIA IN MAKING LICENSING DECISIONS**

The licensing authority, in considering an application, is required by statute to take account, as appropriate, of the following points and also be satisfied that it is in the public interest to license a person to engage in aquaculture:

-the suitability of the place or waters

*Scientific advice is to the effect that the waters are suitable for the cultivation of Oysters.*

-other beneficial uses of the waters concerned

*Public access to recreational and other activities can be accommodated by this project. Aquaculture appropriately licensed can co-exist with other leisure activities.*

-the particular statutory status of the waters

(i) Natura 2000

*The site is located within a Natura area (i.e. in a Special Area of Conservation or Special Protected Area). An Appropriate Assessment of Aquaculture in North Inishowen SAC (Site Code: 2012) and Trawbreaga Bay SPA (site code: 4034) was carried out. This Assessment and its findings were examined by the Department and its scientific/technical advisors and a Conclusion Statement has been produced outlining how it is proposed to licence aquaculture in compliance with Habitats/Birds requirements (the Appropriate Assessment and Licensing Authority's Conclusion Statement are available on the Department's website).*

(ii) Shellfish Waters

*The site is located within Trawbreaga Bay Shellfish Designated Waters. Oysters from this area currently have a seasonal "A" classification*





-the likely effects on the economy of the area

*Aquaculture has the potential to provide a range of benefits to the local community such as, attraction of investment capital, development of support services etc.*

-the likely ecological effects on wild fisheries, natural habitats, flora and fauna

*No significant issues arose regarding wild fisheries. Habitats issues are covered under "Natura 2000" above.*

-the effect on the environment generally

*The Minister is obliged pursuant to Regulation 5 (2) of Licence Applications Regulations to consider on a case by case basis whether the proposed aquaculture is likely to have significant effect on the environment.*

*The Minister has already determined that an Environmental Impact Statement is not required for this project (See Declaration in **TAB B**).*

*-The DAHRRGA have raised no objection to the development from an underwater archaeological perspective.*

## **RECOMMENDATION**

It is recommended that the Minister:

Refuses to grant of an Aquaculture Licence to James Ball, Carrowmore, Malin Head, Co. Donegal, for one site (ref. T12/426A) in Trawbreaga Bay, Co. Donegal.

The reasons for this decision are based on the findings of the Landscape and Visual Impact Assessment which was carried out by Marine Engineering Division. The assessment finds that visual impacts of substantial significance would arise in the case of 6 development proposals, including site T12/426A.

## **REASONS FOR DECISION**

The Minister for Agriculture, Food and the Marine is required to give public notice of both the licensing determination and the reasons for it. To accommodate this it is proposed to publish the following on the Department's website, subject to the Minister approving the above recommendation:



"Determination of Aquaculture/ Foreshore Licensing application –T12/426

*James Ball has applied for permission to cultivate Pacific Oysters using bags and trestles on the inter-tidal foreshore on a 1.14 ha site (T12/426A) in Trawbreaga Bay, Co. Donegal.*

*The Minister for Agriculture, Food and the Marine has determined that it is not in the public interest to grant Aquaculture and Foreshore Licences for this site. In making his determination, the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997 and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with statutory provisions. In particular, the Minister had regard to the findings of the Landscape and Visual Impact Assessment of oyster farm development proposals in Trawbreaga Bay, Co. Donegal.*

*- Landscape Impact: This area of the bays's proximity to neighbouring areas of scenic importance and its location alongside a locally important tourist road would tend to suggest a moderate level of sensitivity to landscape change. While individual sites are not likely to give rise to substantial landscape scale impacts, wider area aquaculture developments, involving most of the aquaculture sites applied for in this area, including T12/426, would give rise to landscape impacts of substantial significance;*

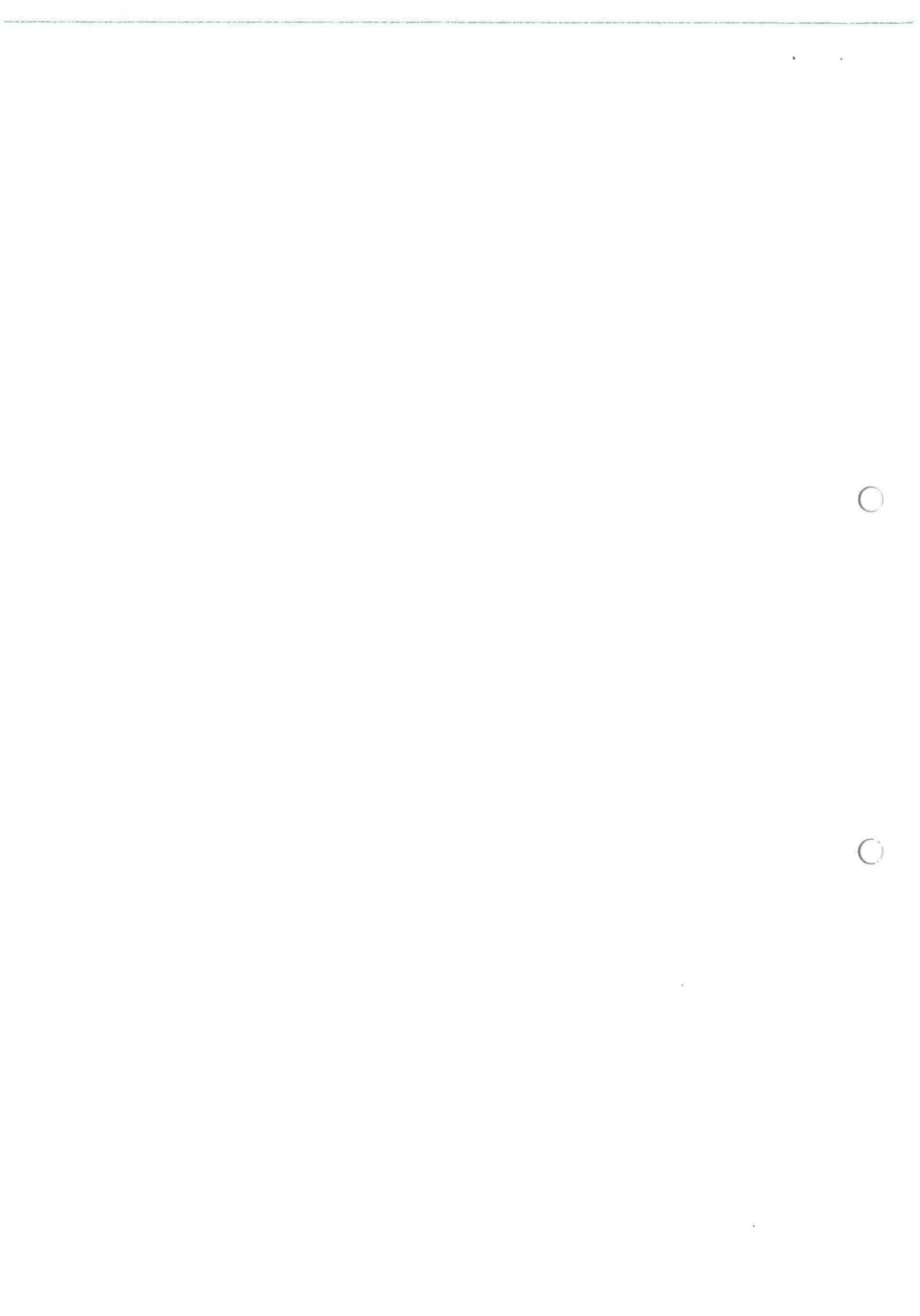
*- Visual Impact: the proposed oyster farm is likely to cause moderate to substantial visual impacts on views on the R242 route."*

Karen Gill

Aquaculture and Foreshore Management Division

**Recommendation to Refuse a Foreshore Licence application (T12/426)**

**DECISION SOUGHT**



The Minister's determination is requested please in relation to the application for a Foreshore Licence from James Ball, Carrowmore, Malin Head, Co. Donegal, for a site in Trawbreaga Bay, Co. Donegal, in which it is proposed to conduct aquaculture.

## **BACKGROUND**

Marine aquaculture operations require separate Aquaculture and Foreshore Licences and Ministerial approval is required in respect of this submission (Foreshore Submission) and submission above (Aquaculture Submission), which refer to the same site.

The Foreshore Licence allows for the occupation of the particular area of foreshore while the Aquaculture Licence defines the activity that is permitted in this area. The continuing validity of each licence is contingent on the other licence remaining in force.

## **APPLICATION FOR A FORESHORE LICENCE**

An application for a Foreshore Licence has been received from the applicant referred to at 1.0 above (in conjunction with an Aquaculture Licence application), relating to the occupation of the foreshore associated with the Aquaculture Licence application which covers a 1.14 hectare site (numbered T12/426A – see **Tab A**).

## **LEGISLATION**

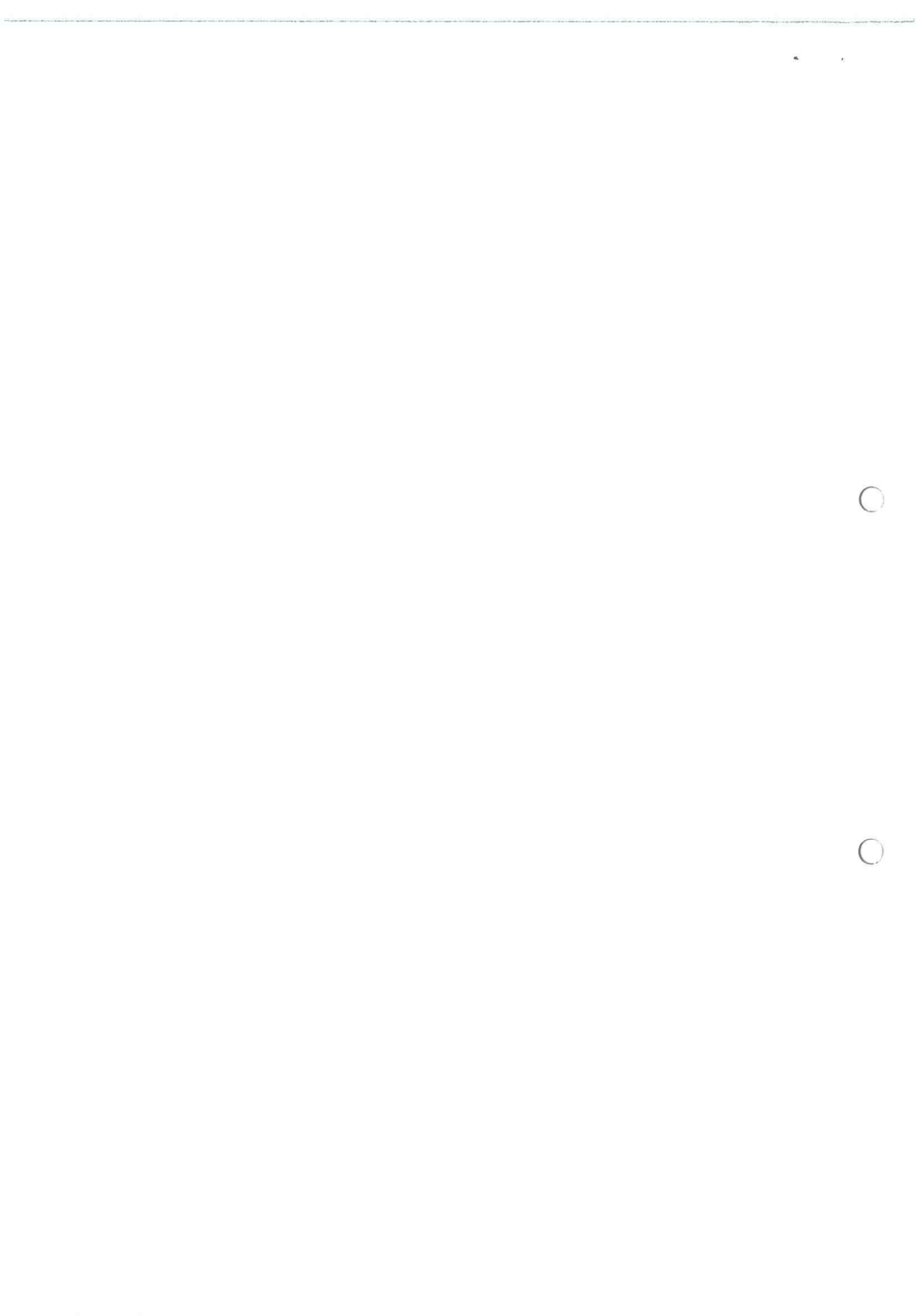
Section 3 of the Foreshore Act, 1933 gives power to the Minister to license the use of foreshore, if he is of the opinion that it is in the public interest to do so.

## **CONSULTATION AND PUBLIC COMMENT**

The application was sent to the Department's technical experts, and was also publicly advertised in a composite public notice covering both aquaculture and foreshore elements.

This application was also sent to the Department of the Housing, Planning and Local Government

(DHPLG) in accordance with subsection (1B) of Section 3 of the Foreshore Act, 1933, which requires consultation between the Minister for Agriculture, Food and the Marine and the Minister for the Environment, Community and Local Government. Whilst aquaculture



legislation requires certain statutory bodies to be notified of an aquaculture application, no other statutory bodies are prescribed consultees under Fisheries related foreshore legislation.

DHPLG: No comments received in respect of this application.

### **Technical Consultation**

#### Engineering Division:

-recommended that this site should not be licensed for the following reasons:

- Maintain orderly aquaculture development in the bay;
- Preventing physical change impact on the foreshore area involved, and
- Preventing significant visual impact to tourist users of R242 regional road

Marine Survey Office: No objection to this development from a navigational perspective

Sea Fisheries Protection Authority: No objection to this development.

### **Public Consultation**

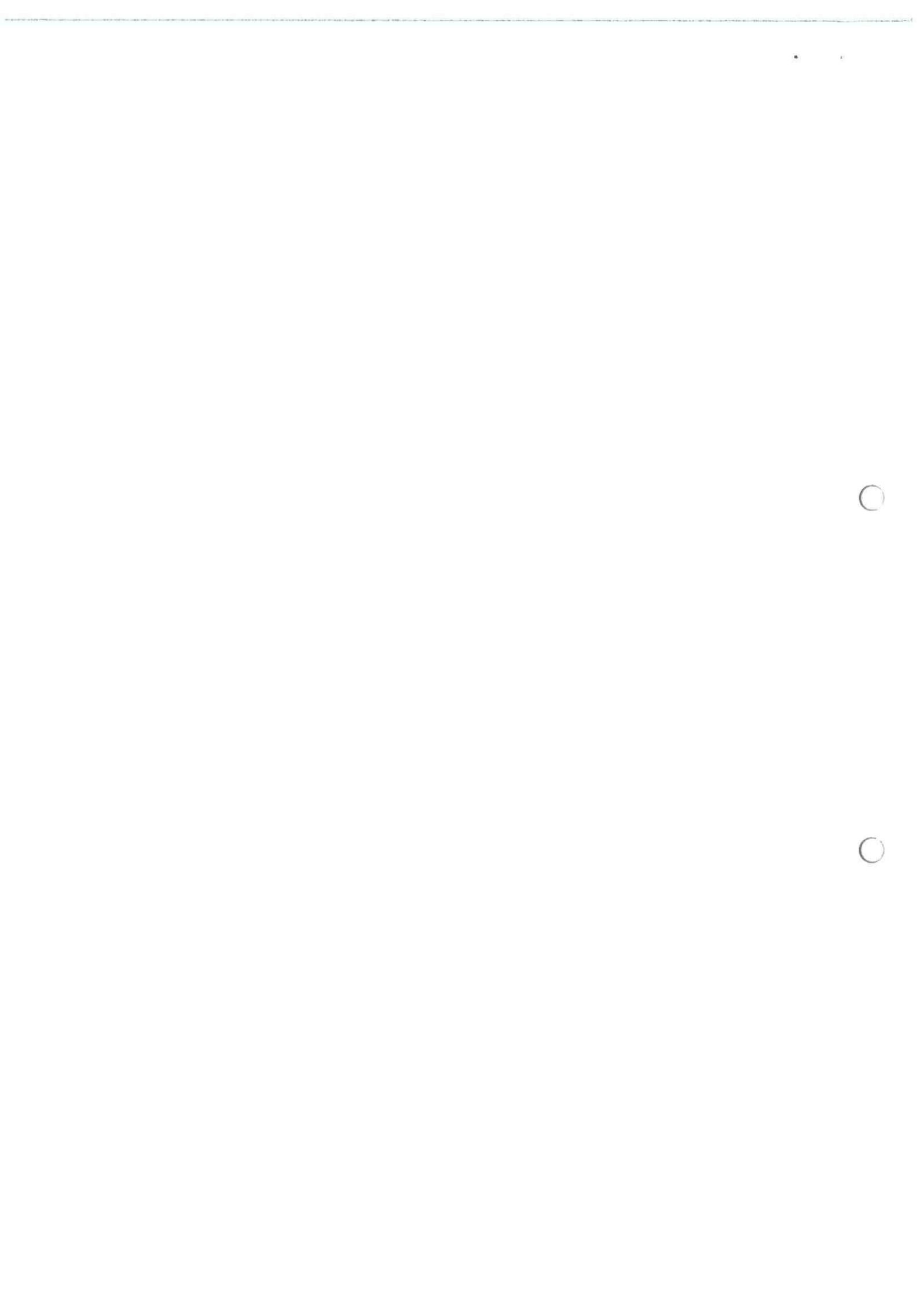
The application was publicly advertised using a composite public notice covering both aquaculture and foreshore elements, in the Donegal Democrat on 11<sup>th</sup> May 2017. The application and supporting documentation were available for inspection at Buncrana and Carndonagh Garda Stations for a period of 4 weeks from the date of publication of the notice in the newspaper.

There were no objections received from the public consultation process.

### **CRITERIA IN MAKING LICENSING DECISIONS**

The Minister, in considering an application for a Foreshore Licence, may, if satisfied that it is in the public interest to do so, grant such a licence.

Section 82 of the Fisheries (Amendment) Act, 1997 stipulates that the Minister, in considering an application for a licence under the Foreshore Acts, which is sought in connection with the carrying on of aquaculture pursuant to an Aquaculture Licence, shall have regard to any decision of the licensing authority in relation to the Aquaculture Licence.





The Minister is also obliged pursuant to Regulation 5 (2) of the Aquaculture (Licence application) Regulations, 1998 to consider on a case by case basis whether the proposed aquaculture is likely to have significant effect on the environment. An EIA Screening Assessment was carried out by the EIA Screening Group (comprising of technical experts and Department officials). The Minister has already determined that an Environmental Impact Statement is not required for this project (See Assessment in **Tab B**).

### RECOMMENDATION

It is recommended that the Minister:

Refuses to grant a Foreshore Licence to James Ball, Carrowmore, Malin Head, Co. Donegal, for a site in Trawbreaga Bay, Co. Donegal.

Karen Gill

Aquaculture and Foreshore Management Division

## Related Submissions

There are no related Submissions.

## User Details

### Users with access to Submission

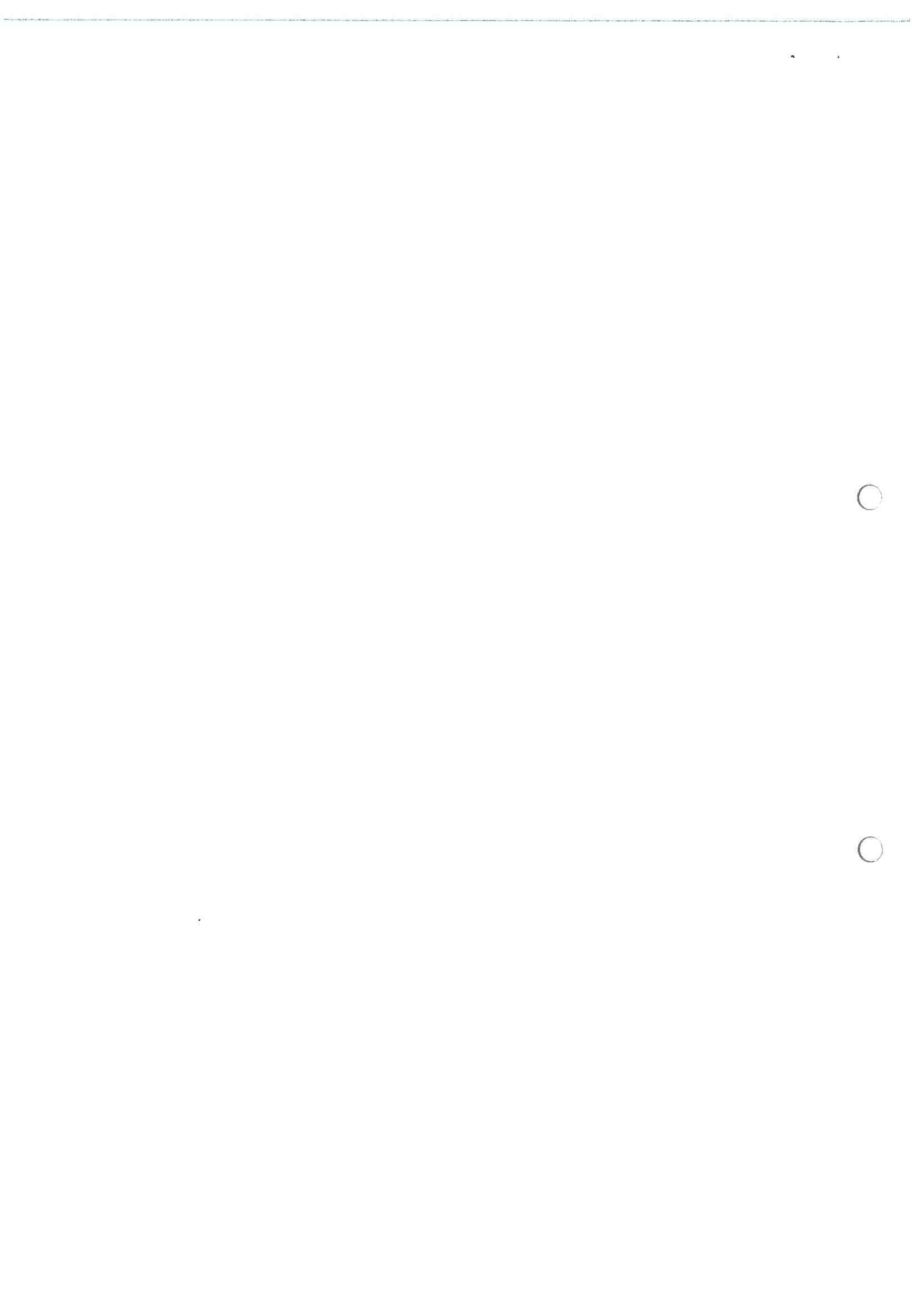
Maier, EileenM  
 Foley, Gerry  
 Whelton, Batt  
 Quinlan, John  
 Beamish, Cecil  
 Sub Sec Gens Office  
 eSub Ministers Office

### Read receipt list

BTSSP-SC  
 Maier, EileenM  
 Foley, Gerry  
 Whelton, Batt  
 Quinlan, John  
 Beamish, Cecil  
 Smith, Ann  
 Lennox, Graham

## Action Logs

**Created:** 24/10/2017 14:55:40: Submission created by EileenM Maier



**Sent For Review:** 24/10/2017 15:16:47: Submission sent to Gerry Foley for review by EileenM Maher

**Sent For Review:** 24/10/2017 17:51:29: Submission sent to Batt Whelton for review by Gerry Foley

**Sent For Review:** 25/10/2017 10:28:50: Submission sent to John Quinlan for review by Batt Whelton

**Sent For Review:** 31/10/2017 13:31:26: Submission sent to Cecil Beamish for review by John Quinlan

**Sent to the Secretary General:** 01/11/2017 09:50:33: Submission sent to Secretary General for review by Cecil Beamish

**Sent to the Minister:** 01/11/2017 09:55:14: Submission sent to Minister for review by Ann Smith on behalf of the Secretary General

**Reason:** Approved for submission to Minister.

**Completed:** 03/11/2017 16:51:51: Submission completed by Graham Lennox on behalf of the Minister

**Reason:** Minister determines that the Aquaculture and Foreshore Licences not be granted for the reasons outlined.



**This project includes sites T12/322A, T12/367A, T12/426A,  
T12/439A, T12/466A and T12/504A**

**Ministerial Determination in relation to EIS requirements for 5  
Aquaculture Licence applications and 1 existing Aquaculture Licence  
for the cultivation of shellfish by James Ball  
in Trawbreaga Bay, Co. Donegal**

I, Michael Creed, Minister for Agriculture, Food and the Marine in accordance with the requirement of Regulation 5(2) of the Aquaculture (Licence Application) Regulations, 1998 have considered whether this Aquaculture project to culture shellfish is likely to have significant effects on the environment and would require the submission of an Environmental Impact Statement (EIS). Mr. Ball's new, renewal aquaculture licence applications and existing aquaculture licence are being treated as a project for Environmental Impact Assessment (EIA) screening purposes.

I have considered the proposed and existing aquaculture activity and determined that it is not likely to have significant effects on the environment and that an EIS is not required in relation to this application for the reasons outlined below.

**REASONS AND CONSIDERATIONS**

I had regard to the provisions of:

- i. Regulation 5 of the Aquaculture (Licence Application) Regulations, 1998;
- ii. EIA Directives (codified by Council Directive 2011/92/EU);
- iii. The criteria specified in Annex III of Directive 2011/92/EU
- iv. The guidance contained in the European Commission document entitled "Guidance on EIA, Screening" June 2001
- v. The Article 6 Assessment of Aquaculture and Fisheries in North Inishowen Coast Special Area of Conservation (SAC), Trawbreaga Bay Special Protection Areas (SPA) (Natura 2000 sites)

and also to the report and recommendations of the Department's Screening Group (attached) with particular reference to:

- a) the nature and scale of the aquaculture activity project - the development incorporates 4 new, 1 renewal applications and 1 existing aquaculture licence ( total 4.7299 ha) is not out of scale relative to the body of coastal water in which it is located
  
- b) the limited magnitude and extent of the direct impacts arising from the proposed aquaculture activity
- c) the absence of any protected structures or recorded monuments in the area of the project per the Donegal County Development Plan
- d) the low population density of the surrounding area
- e) Sites T12/322A, T12/367A & T12/504 A have limited visibility from public road R242. Cumulative negative visual impact of site T12/426A, T12/439A and adjacent sites will require further consideration prior to licensing.
- f) the non-use of toxic or hazardous substances as part of the proposed aquaculture activity
- g) the minor risk of accidents occurring as result of the proposed aquaculture activity
- h) The impact on navigation ( site T12/439A) will require assessment and possibly mitigation by appropriate navigational marking /site area reductions measures to be determined-
- i) Potential barrier impact on migrating salomids in the low water channel will require further consideration prior to a licensing decision?
- j) no significant impact on recreational use of the adjoining foreshore
- k) the findings of the Appropriate Assessment in relation to impacts on protected habitats and species.

**DATED: 4<sup>th</sup> April 2017**

**EIA SCREENING ASSESSMENT T12/322, T12/367, T12/426, T12/439, T12/466 & T12/504**

**1. Applicant Details**

Name  
Address

James Ball
Carrowmore
Malin
Co. Donegal

**2. Characteristics of Project**

- a) Species cultivation proposed
- b) Method
- c) Production in intertidal zone
- d) Production beyond intertidal zone
- e) Source of seed/spat etc

Pacific Oysters
trestles culture
Yes
No
French Hatcheries Naissain

- f) Is a non-native species to be cultivated?
- g) Annual Production Estimates - Tonnes

Yes. With the exception of Articles 3, 4 Regulation EC 708/2007 does not apply to the production of <i>C. gigas</i> .
Year 1 Estimated total annual tonnage 105 tonnes
Year 2 Estimated total annual tonnage 105 tonnes
Year 3 Estimated total annual tonnage 105 tonnes
Year 4 Estimated total annual tonnage 105 tonnes

**3. Location of Project**

- a) File No.
- b) No. of sites
- c) Location
- d) Hectares
- e) Shellfish Waters Designation  
If yes, identify area as per S.I. 268 of 2006/S.I. 55 of 2009
- If yes, Name of designated area - Map No. & Date of Map
- f) Natura 2000 site

T12/322, T12/367, T12/426, T12/439, T12/466 & T12/504
6 sites T12/322A renewal, T12/367A (existing), T12/426A, T12/439A, T12/466 & T12/504A (4 new)
Trawbreaga Bay
T12/322A 0.7 ha, T12/367A 0.295 ha T12/426A 1.14 ha, T12/439 1.3 ha, T12/466A 0.445 ha & T12/504A 0.8499 ha
Yes
SI 55 of 2009
Trawbreaga Bay – Map 29 August 2008
Yes.
North Inishowen Coast SAC (Site Code 002012) and Trawbreaga Bay SPA (Site Code 004034)

**4. Development Plan**

- a) County Development Plan
- If yes, identify relevant sections

Yes. Donegal County Development Plan
Chapter 8. Tourism and Marine. 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

If yes, period covered  
b) Local Area Plan  
If yes, identify relevant sections  
c) Other

Industry in the county and its potential in terms of employment and product export.	
2012-2018	
No	
No	



<b>T 12/322,T12/367,T12/426 , T12/439,T12/466&amp; T12/504</b>		
<b>EIA SCREENING CHECKLIST</b>		
<b>Is it an ANNEX II project?</b>	<b>YES</b>	
<b>Is the project located on or adjacent to a Natura 2000 area?</b>	<b>Yes The project is located within North Inishowen Coast SAC (Site Code 002012) and Trawbreaga Bay SPA (Site Code 004034)</b>	
<b>If yes, has the appropriate assessment been carried out?</b>	<b>Yes. An Article 6 assessment of aquaculture activities in North Inishowen Coast SAC and Trawbreaga SPA has been carried out and published on the Department's website</b>	
<b>1. CHARACTERISTICS OF THE PROJECT - ANNEX III (1)</b>	<b>Yes/No - Briefly describe</b>	<b>Is this likely to result in a significant effect? Yes/No? - Why</b>
<b>(a) Size of project</b>		
<b>Will the project be out of scale with the existing environment?</b>	<b>No. The development (4.7299 ha, total for six sites) is not out of scale relative to the body of coastal water within which it is located.</b>	
<b>Will it lead to further consequential development or works (e.g. new roads, landing facilities, provision of new water supply)?</b>	<b>No. Existing infrastructure will be used and no additional infrastructure developments are needed.</b>	
<b>(b) Cumulation with other development</b>		
<b>Are there potential cumulative impacts with existing aquaculture projects or with other licensed aquaculture projects but which have not yet begun?</b>	<b>Yes. There are other aquaculture projects in the bay involving the cultivation of oysters. There are potential navigational, visual and benthic impacts.</b>	<b>No. The impact on the benthos will be localised and limited to the area directly beneath the trestles. The overall area involved is considered small. The impact on navigation (sites T12/439A) will require assessment and possibly mitigation by appropriate navigational marking/site area reduction or</b>

		other measures – to be determined. Cumulative negative visual impact of development of sites T12/426A & T12/439A and its neighbours is anticipated to be substantial. There is potential for obstruction by trestles of migrating salmonids ( Site T12/439A) at low water. Trestles layout restrictions and clearway may be needed to mitigate this potential impact. A significant impact is not expected on other sensitive receptors e.g. air, water, cultural heritage-
Are there potential cumulative impacts with existing foreshore projects or with foreshore projects licensed but which have not yet begun? T12/322, T12/367, T12/426 , T12/439, T12/466 & T12/504	No.	
<b>1. CHARACTERISTICS OF THE PROJECT - ANNEX III (1) cont'd</b>	<b>Yes/No - Briefly describe</b>	<b>Is this likely to result in a significant effect? Yes/No? - Why</b>
<b>(b) Cumulation with other development contd</b>		
Should the application for this project be regarded as an integral part of a more substantial project? If so, can related projects which are subject to separate applications proceed independently?	Yes. The project involves production from 6 sites. T12/322 (renewal), T12/367 (existing licence valid till March 2017), T12/426, T12/439, T12/466 & T12/504 (new applications). These sites are being treated as one project for EIA screening purposes.	
<b>(c) Use of natural resources</b>		
Will installation or operation of the project use natural resources such as land, water, materials or energy, especially any resources which are non-renewable or in short supply? <ul style="list-style-type: none"> <li>• land (especially undeveloped or agricultural land)?</li> <li>• water?</li> <li>• energy including electricity and fuels?</li> <li>• any other resources?</li> </ul>	Yes. The proposed cultivation of oysters on the foreshore will use naturally occurring marine phytoplankton present in the seawater.	No. High levels of plankton occur naturally at the location and shellfish cultivation at this scale will not result in limiting plankton growth or abundance.

<b>(d) Production of waste</b>		
<p>Will the project produce wastes during installation or operation or decommissioning?</p> <ul style="list-style-type: none"> <li>• municipal waste (household and/or commercial)?</li> <li>• surplus product?</li> <li>• construction or demolition wastes?</li> <li>• redundant machinery or equipment?</li> <li>• any other solid wastes?</li> <li>• liquid or solid wastes in suspension?</li> </ul>	<p>Yes. The cultivation of shellfish will produce faeces and pseudofaeces. Grading and removal of mortalities will result in shells being discarded. Trestles, bags, associated with the growing process may need to be replaced.</p>	<p>No. The amount of produced faeces and pseudofaeces will be small and the impacted area will be limited to the area directly beneath the trestles. The site is well flushed and build up of excess organic matter on site is not considered likely. Discarding of damaged old bags, trestles or other material into the sea or on the foreshore will not be permitted.</p>
<p><b>T12/322, T12/367, T12/426 , T12/439, T12/466 &amp; T12/504</b></p>		
<p><b>1. CHARACTERISTICS OF THE PROJECT - ANNEX III (1) cont'd</b></p>	<p><b>Yes/No - Briefly describe</b></p>	<p><b>Is this likely to result in a significant effect? Yes/No? - Why</b></p>
<b>(e) Pollution and nuisances contd.</b>		
<p>Will the project release pollutants or any hazardous, toxic, or noxious substances to air?</p> <p>Emissions from:</p> <ul style="list-style-type: none"> <li>• combustion of fossil fuels from stationary or mobile sources?</li> <li>• Construction activities including plant &amp; equipment?</li> <li>• any other sources.</li> </ul>	<p>Yes. There will be emissions associated with husbandry and harvesting of shellfish from tractors or other machinery. There will be no release to the air of other hazardous, toxic or noxious pollutants.</p>	<p>No. The emissions levels will not be significant.</p>
<p>Will the project cause noise and vibration or release of light?</p> <ul style="list-style-type: none"> <li>• from operation of equipment e.g. engines?</li> <li>• from blasting or piling?</li> <li>• from construction or operational traffic?</li> <li>• from lighting or other systems?</li> <li>• from any other sources?</li> </ul>	<p>Yes. There will be noise associated with husbandry and harvesting of shellfish from tractor and other noise.</p>	<p>No. Noise levels will not be significant.</p>
<b>(f) Risk of accidents, having regard in particular to substances or technologies used</b>		
<p>Will there be any risk of accidents during</p>	<p>Yes. There may be a minor risk of physical</p>	<p>No. There is minor risk to the environment</p>

installation or operation of the project which could affect human health or the environment?	injury while working onsite but no risk to human health.	from onsite accidents.
Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No. No chemicals or hazardous substances will be used during the production process.	
<b>T12/322, T12/367, T12/426 , T12/439, T12/466 &amp; T12/504</b>		
<b>1. CHARACTERISTICS OF THE PROJECT - ANNEX III (1) cont'd</b>	<b>Yes/No - Briefly describe</b>	<b>Is this likely to result in a significant effect? Yes/No? - Why</b>
<b>(f) Risk of accidents, having regard in particular to substances or technologies used</b>		
Will the project involve use, storage, transport, handling or production of substances or materials which could be harmful to people or the environment (flora, fauna, water supplies)? <ul style="list-style-type: none"> <li>• use of hazardous or toxic substances?</li> <li>• potential changes in occurrence of disease or effect on disease carriers (e.g. insect or water borne diseases)?</li> </ul>	No. Cultivation of oysters depends on naturally occurring marine resources. No harmful substances or materials will be used.	
<b>(g) Will installation, operation or decommissioning of the project involve actions which will cause physical changes in the locality (topography, land use, changes in waterbodies, etc)?</b> <ul style="list-style-type: none"> <li>• dredging?</li> <li>• coastal structures (seawalls, piers)?</li> <li>• offshore structures?</li> <li>• facilities for storage of goods or materials?</li> <li>• facilities for treatment or disposal of solid wastes or liquid effluents?</li> <li>• new road, rail or sea traffic during construction or operation?</li> <li>• new road, rail, air, waterborne or other</li> </ul>	Yes. Trestles will be placed on the foreshore.	No. The development can be considered as minor and reversible as all structures can be removed.

<p>transport infrastructure including new or altered routes and stations, ports, airports etc?</p> <ul style="list-style-type: none"> <li>• closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?</li> <li>• new or diverted transmission lines or pipelines?</li> <li>• transport of personnel or materials for construction, operation or decommissioning?</li> <li>• decommissioning or restoration works?</li> <li>• introduction of alien species?</li> <li>• loss of native species or genetic diversity?</li> <li>any other changes?</li> </ul>	<p>Yes. <i>Crassostrea Gigas</i>. With the exception of Article 3 and 4, Regulation EC 708/2007 does not apply to the production of <i>C. Gigas</i>. There is no record of established native oyster beds in Trawbreaga Bay.</p>	<p>No. The risk of establishment of non-native oyster species is considered low in the bay because of the short water residence time and heavy cover of macroalgae in intertidal areas. The use of triploid oyster stock will further reduce the risk. Additionally, the use of triploid stock in Trawbreaga Bay will also reduce the risk of establishment of non-native oyster species in the adjoining Lough Swilly area.</p>
<p><b>(h) Inherent social changes</b></p>		
<p>Will the project result in social changes, for example, in demography, traditional lifestyles, employment?</p>	<p>It is anticipated that job opportunities will result from this project.</p>	<p>No. The impact will be locally beneficial but not significant</p>
<p><b>2. LOCATION OF THE PROJECT - ANNEX III (2)</b></p>	<p><b>Yes/No - Briefly describe</b></p>	<p><b>Is this likely to result in a significant effect? Yes/No? - Why</b></p>
<p><b>(a) Existing land use</b></p>		
<p>Are there existing land uses on or around the location which could be affected by the project, e.g. homes, gardens, other private property, industry, commerce, recreation, public open space, community facilities, agriculture, forestry, tourism, water catchments, functional floodplains, mining or quarrying?</p>	<p>No. Terrestrial land use will not be affected and there is no spatial overlap with other users of the inter-tidal foreshore.</p>	

Are there any areas on or around the location which are occupied by sensitive land uses e.g. hospitals, schools, places of worship, community facilities, which could be affected?	No.	
Is the project located in a previously undeveloped area?	No. T12/322 (renewal), T12/367(existing licence ), T12/426, T12/439,T12/466 & T12/504 (new applications) there is other shellfish production in the bay.	
<b>T12/322, T12/367,T12/426 , T12/439,T12/466&amp; T12/504</b>		
<b>2. LOCATION OF THE PROJECT - ANNEX III (2) cont'd.</b>	<b>Yes/No - Briefly describe</b>	<b>Is this likely to result in a significant effect? Yes/No? - Why</b>
<b>(b) Relative abundance, quality and regenerative capacity of natural resources in the area</b>		
Are there any areas on or around the location which contain important, high quality or scarce resources which could be affected by the project? <ul style="list-style-type: none"> <li>• groundwater resources</li> <li>• surface waters</li> <li>• fisheries</li> <li>• tourism</li> </ul>	Yes. Fisheries and Tourism	Given the location and scale of the proposed aquaculture site significant impacts on the fisheries / tourism in the area are not considered likely.
<b>(c) Absorption capacity of the natural environment</b>		
Are there any areas on or around the location which are protected under international or national or local legislation for their ecological, landscape, cultural or other value, which could be affected by the project?	Yes. This site is located in Trawbreaga SPA (004034) and North Inishowen Coast SAC (002012)  The SAC is designated for the habitat feature of	No. The AA concluded that existing and proposed activities do not pose a risk of significant disturbance to the conservation of the designated habitat feature of Mudflats and sandflats not covered by seawater at low tide

	<p>Mudflats and sandflats not covered by seawater at low tide (1140) including constituent community of Muddy sand to coarse sediment with <i>Pygospio elegans</i> community complex, and Sand with <i>Angulus tenuis</i> and <i>Scoloplos (Scoloplos) armiger</i> community complex</p> <p>Otter (<i>Lutra lutra</i>) is specified among the qualifying interests of the SAC</p> <p>The SPA aspects are elaborated on below</p>	<p>(1140) or constituent community of Muddy sand to coarse sediment with <i>Pygospio elegans</i> community complex, and Sand with <i>Angulus tenuis</i> and <i>Scoloplos (Scoloplos) armiger</i> community complex</p> <p>The AA concluded that aquaculture activities did not present a barrier to migration and on the (freshwater) attributes for the Otter (<i>Lutra lutra</i>)</p>
<p>Are there any other areas on or around the location which are important or sensitive for reasons of their ecology?</p> <ul style="list-style-type: none"> <li>• wetlands, watercourses or other waterbodies?</li> <li>• the coastal zone?</li> <li>• mountains, forests or woodlands?</li> <li>• nature reserves and parks?</li> </ul>	<p>Yes. The wetland habitat contained within Trawbreaga SPA is identified to be of conservation interest for the regularly occurring migratory waterbirds that utilise it</p>	<p>No. These sites including 1 renewal application, 1 existing licence and 4 new applications will not cause any change in the permanent area occupied by the wetland habitat.</p>
<p>T12/322 , T12/367,T12/426 , T12/439,T12/466&amp; T12/504</p>		
<p>2. LOCATION OF THE PROJECT - ANNEX III (2) cont'd.</p> <p>(c) Absorption capacity of the natural environment cont'd</p>	<p>Yes/No - Briefly describe</p>	<p>Is this likely to result in a significant effect? Yes/No? - Why</p>
<p>Are there any areas on or around the location which are used by protected, important or sensitive species of fauna or flora e.g. for breeding, nesting, foraging, resting, overwintering, migration, which could be affected?</p>	<p>Yes. These sites are located in Trawbreaga SPA (004034) and North Inishowen Coast SAC (002012)</p> <p>The SPA is designated for non-breeding populations of Barnacle Goose and Light-bellied Brent Goose and both breeding and non-breeding elements of the Chough population</p>	<p>No.</p> <p>Chough: The AA concluded that, taking account of the proposed scale of oyster cultivation, lack of any significant use of intertidal habitat by the Chough and the separation of oyster cultivation from known foraging, roosting or nesting sites, it is unlikely that intertidal oyster would have a negative impact on the Chough</p>

		<p>Barnacle Geese: The AA concluded that as Barnacle Geese do not feed on inter-tidal habitat the placement of trestles would not result in any direct loss of foraging grounds. It also found that the risk of negative impacts at access points to be low</p> <p>Light-bellied Brent Goose: The AA concluded that aquaculture activities, existing and proposed, are not considered disturbing to Light-bellied Brent Geese taking account of the favourable conservation status of the species, large area of suitable habitat, foraging opportunities provided by green algae on trestles etc</p>
Are there any inland, coastal, marine or underground waters on or around the location which could be affected?	No.	
<b>T12/322, T12/367, T12/426 , T12/439, T12/466 &amp; T12/504</b>		
<b>2. LOCATION OF THE PROJECT - ANNEX III (2) cont'd</b>	<b>Yes/No - Briefly describe</b>	<b>Is this likely to result in a significant effect? Yes/No? - Why</b>
<b>(c) Absorption capacity of the natural environment cont'd</b>		
Are there any groundwater source protection zones or areas that contribute to the recharge of groundwater resources?	No.	
Are there any areas or features of high landscape or scenic value on or around the location which could be affected?	No.	
Are there any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected?	No. Public access to recreational and other activities will not be impacted by the project.	



Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected?	No. Given the scale of production the amount of additional traffic generated will not be significant.	
Is the project in a location where it is likely to be highly visible to many people?	No. Sites T12/322A, T12/367A & T12/504A have limited visibility from public road R242. Cumulative negative visual impact of development of sites T12/426A, T12/439A and its neighbours will require further consideration prior to licensing. Population density in the area is low.	
Are there any areas or features of historic, cultural or archaeological importance on or around the location which could be affected?	No. No protected structures as per County Development Plan.	
Are there any areas on or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected?	No. Results of monitoring under the Shellfish Waters Directive do not indicate water quality issues in the vicinity of the proposed shellfish production area. Oysters in this area currently have a "B" Classification under Annex II of the EU Regulation 854/2004.	
Is the area densely populated?	No. The adjoining area is rural and is not densely populated.	

<b>T12/322, T12/367, T12/426 , T12/439, T12/466 &amp; T12/504</b>		
<b>2. LOCATION OF THE PROJECT - ANNEX III (2) cont'd</b>	<b>Yes/No - Briefly describe</b>	<b>Is this likely to result in a significant effect? Yes/No? - Why</b>
<b>(c) Absorption capacity of the natural environment cont'd</b>		
Is the location of the project susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions e.g. temperature inversions, fogs, severe winds, which could cause the project to present environmental problems?	No.	
On the basis of the above the consensus of the screening group is that an Environmental Impact Statement is not required for this project. However, in the case of sites T12/426A & T12/439A consideration of the visual impact of the proposed development ( individually and cumulatively with other developments) will be required prior to a licensing decision. While in the case of site T12/439A consideration of the risk posed to navigation and the potential barrier impact on migrating salmonids in the low water channel ( individually and cumulatively with other development) will be required prior to a licensing decision.		
<b>EIA SCREENING GROUP COMPRISES OF MEMBERS FROM: THE MARINE INSTITUTE THE DEPARTMENT'S MARINE ENGINEERING DIVISION BORD IASCAIGH MHARA REPRESENTATIVES OF THE DEPARTMENT'S AQUACULTURE AND FORESHORE MANAGEMENT DIVISION</b>	<b>Dated</b> 15/3/17 <i>WJ</i>	

**AQUACULTURE AND FORESHORE LICENSING APPLICATION FORM, for purposes  
of FISHERIES (AMENDMENT) ACT, 1997 and FORESHORE ACT, 1933**

*Accompanying Guidance Notes should be read  
before completing this form.*

**Note:** Details provided in Parts 1 and 2 will be  
made available for public inspection.  
Details provided in Part 3 are confidential and are  
not for public disclosure.

**USE BLOCK CAPITALS IN BLACK INK**

For Office Use	
Application Ref. No.	
Date of receipt (Dept. Stamp):	

T14/26

**PART 1: PRELIMINARY DETAILS**

Name(s) of Applicant(s) in full: 1.A JAMES BALL	
1.B	
Address(es) of Applicant(s) in full:	
1.A MIDDLETOWN, MALDEN HEAD, CO DONEGAL	1.B
RSITIS No./CFD No:	
Tel: _____ Fax: _____	Tel: _____ Fax: _____

<b><u>I.C TYPE OF APPLICATION</u></b>	Insert X in relevant box
Indicate the relevant type of application:	
- (i) Aquaculture Licence	<input checked="" type="checkbox"/>
- (ii) Trial Licence	<input type="checkbox"/>
- (iii) Review of Aquaculture Licence	<input type="checkbox"/>
- (iv) Renewal of Aquaculture Licence	<input type="checkbox"/>
- (v) Foreshore Licence	<input type="checkbox"/>
(This Application Form is valid for each type of application.)	

Trabrega Bay  
Gisra Oysters

<b><u>I.D TYPE OF AQUACULTURE</u></b>	
Indicate the relevant type of application:	
- (i) Land-based	<input type="checkbox"/>
- (ii) Marine-based	<input checked="" type="checkbox"/>
- Shellfish	
(iii) - extensive	<input type="checkbox"/>
(iv) - intensive	<input type="checkbox"/>
- (v) Finfish	<input type="checkbox"/>

**1. E DOCUMENTS ENCLOSED WITH THIS APPLICATION**

The following documents are enclosed with this application:

- (1) - Ordnance Survey Map (Scale of 1: 10,560, ie, a six inch map) **OBLIGATORY**
- (2) - British Admiralty Chart (largest available scale)
- (3) - Decision of planning authority under Planning Acts
- (4) - Copy of licence under Section 4 of Local Government (Water Pollution) Act, 1977
- (5) - Environmental Impact Statement
- (6) - Drawing of the structures to be used and/or the layout of the farm **OBLIGATORY**
- (7) - Water Quality Analysis Report (required for Land-based sites only)
- (8) - Application Fee **OBLIGATORY**
- (9) - Other (specify): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PART 2: DETAILS RELATING TO PROPOSED AQUACULTURE PROJECT**

**2.A Employment, Qualifications, Experience, Etc.**

(i) Details of Applicant's qualifications and experience in aquaculture: I HAVE BEEN WORKING IN THE BAY FOR A NUMBER OF YEARS, AND THE SITES I HAVE APPLIED FOR I BELIEVE SUFFER LESS MORTALITIES THAN THE SITES I AM LICENCED FOR.

(ii) Other relevant experience (courses attended, etc): \_\_\_\_\_  
\_\_\_\_\_

(iii) Details of projected employment creation during first four years of proposed development: WITH THESE SITES UP TO FULL PRODUCTION I WILL HAVE FULL TIME WORK FOR MYSELF, AND 2 FULL TIME POSITIONS AVAILABLE, PLUS A NUMBER OF PART TIME JOBS IN THE SUMMER MONTHS.

(iv) Projected employment (number of persons):

Year 1:		Year 2:		Year 3:		Year 4:	
---------	--	---------	--	---------	--	---------	--

**2.B Aquaculture Site Details**

Indicate type of site:

- (i) Land-based
- (ii) Marine-based

**2.C Land-Based Site**

(To be completed if appropriate)

(i) State species to be farmed: \_\_\_\_\_

(ii) State proposed system of culture e.g., pond, raceway, circular tank or other method: \_\_\_\_\_

(iii) Full address of proposed site including Townland and County: \_\_\_\_\_

(iv) Tonnage to be produced:

Year 1:	Year 2:	Year 3:	Year 4:

(v) Proposed source of stock: \_\_\_\_\_

(vi) Name of river(s) supplying site with water: \_\_\_\_\_

(vii) Estimate drought flow in gallons per minute: \_\_\_\_\_

(viii) Is there a fall of 1.5 metres in the water level at this site or can this be obtained by damming the river without giving rise to flooding of your own or neighbour's land upstream of the site? \_\_\_\_\_

(ix) Area of proposed site (hectares): \_\_\_\_\_

(x) Details of services available on the site e.g., main road access, electricity: \_\_\_\_\_

(xi) Are there at present any possible sources of pollution upstream of the site, e.g. discharge from sewerage plant, farmyard, sheep dip facility, silage effluent, quarry, sandpit or factory?

YES  NO

(xii) If yes, supply details: \_\_\_\_\_

Land-based Site (continued)

2.D The following must be supplied:

- (i) Sketch of the layout of the site in relation to the river(s), road(s) and buildings;
- (ii) Water quality Analysis Report, which should be drawn up in accordance with the parameters set out in Annex C of the Guidance Notes.

2.E The following conditions must be met in order to allow for consideration of licensing of land-based aquaculture:

- (i) the buildings and equipment must be put in place to the Department's satisfaction; and
- (ii) the operation must comply with Local Authority requirements.

2.F Marine-based Site(s)

(To be completed if appropriate)

Location - (i) Bay: TRAWBEGA BAY

- (ii) County: CO DOWEGAL

(iii) OS Map No: \_\_\_\_\_

(iv) Site Co-ordinates \_\_\_\_\_

(v) Size (hectares): \_\_\_\_\_

(vi) Species (common and scientific name):

PACIFIC OYSTERS, (CRASSOSTREA GIGAS)

-Aquatic Plant(s)

-Any form of aquatic food suitable for the nutrition of fish

(vi) Method of culture (e.g., nets, ropes, tanks, trestles, etc.) TRESTLES AND BAGS.

(vii) Drawings of structures to be used in method of culture should be enclosed.

(viii) If cages or tanks are proposed, state:

- (a) Number: \_\_\_\_\_

- (b) Type and shape: \_\_\_\_\_

- (c) Cubic Capacity: \_\_\_\_\_

- (d) Depth: \_\_\_\_\_

(ix) Proposed specific site locations (with reasons): \_\_\_\_\_

(x) Describe proposed purification facilities to be used, where appropriate: \_\_\_\_\_

Marine-based Site(s) (continued)

2.G Give details of any special requirements relating to the health of the proposed project and the wider matters of public health and safety: THIS SITE HAS MORE OF A SALTWATER FLOW WHICH I BELIEVE IS MORE SUITABLE FOR OYSTER SEED.

2.H Tonnage to be produced:

<u>Species</u> (To state)	<u>Year 1:</u>	<u>Year 2:</u>	<u>Year 3:</u>	<u>Year 4:</u>
	<u>0</u>	<u>0</u>	<u>10</u>	<u>20</u>

2.I Reasons for selection of site(s): I HAVE EXPERIENCED A LOT OF MORTALITY IN OTHER SITES, IN THE PAST 2 YEARS I HAVE LOST BETWEEN 95-100% OF NEW SEED. THE MARINE I'VE TESTED HAVE TESTED MY OYSTERS. THIS SITE IS IN CLEAR SALTWATER WHICH I BELIEVE IS MORE SUITED TO SEED.

*Note: The proposed access route to the site(s) from public road across tidal foreshore area Must be indicated on the OS map accompanying the application.*

2.J Environmental Impact Statement (EIS).

A copy of an EIS, if required, should be enclosed with the application. The EIS should contain the information specified in Annex B of the Guidance Notes.

2.K Trial Licence.

(To be completed if appropriate)

Describe experimental or investigative nature of the proposed project: I WOULD BE WILLING TO WORK THESE SITES OR A CERTAIN AREA OF IT ON TRIAL, AS I SEE NO FUTURE IN POTTING SEED ON MY OTHER SITES. TO EXPERIENCE MORE LOSSES, TO AN EXTENT WHERE IT WOULD NOT BE POSSIBLE FOR ME TO CARRY ON.

[Use separate page if required - to be signed and dated]

**B. MARKETING (continued)**

3. Will the product be processed or packaged?

YES

NO

4. If yes, give details:

IT WILL BE BAGGED IN 25kg BAGS  
of 25 kg.

I/We hereby declare the information provided in Parts 1, 2 and 3 above to be true to the best of my/our knowledge. I/We enclose an application fee\* of € 45.23 with this application.

Signature(s) of Applicant(s): James Ball

Date: 1/04/11

\*Preferred method of payment is by cheque or bank draft. The fee should be made payable to the Department of Agriculture, Fisheries and Food.

This form should be forwarded, with the required documents and application fee, to:

Aquaculture Licensing  
Aquaculture & Foreshore Management Division  
Clogheen  
Clonakilty,  
Co. Cork



**1 NO. SITE AT TRAWBREAGA BAY CO.DONEGAL**

**Co-ordinates & Area**

**Site T12/426A (1.14 Ha)**

The area seaward of the high water mark and enclosed by a line drawn from Irish National Grid Reference point

244540, 450780 to Irish National Grid Reference point

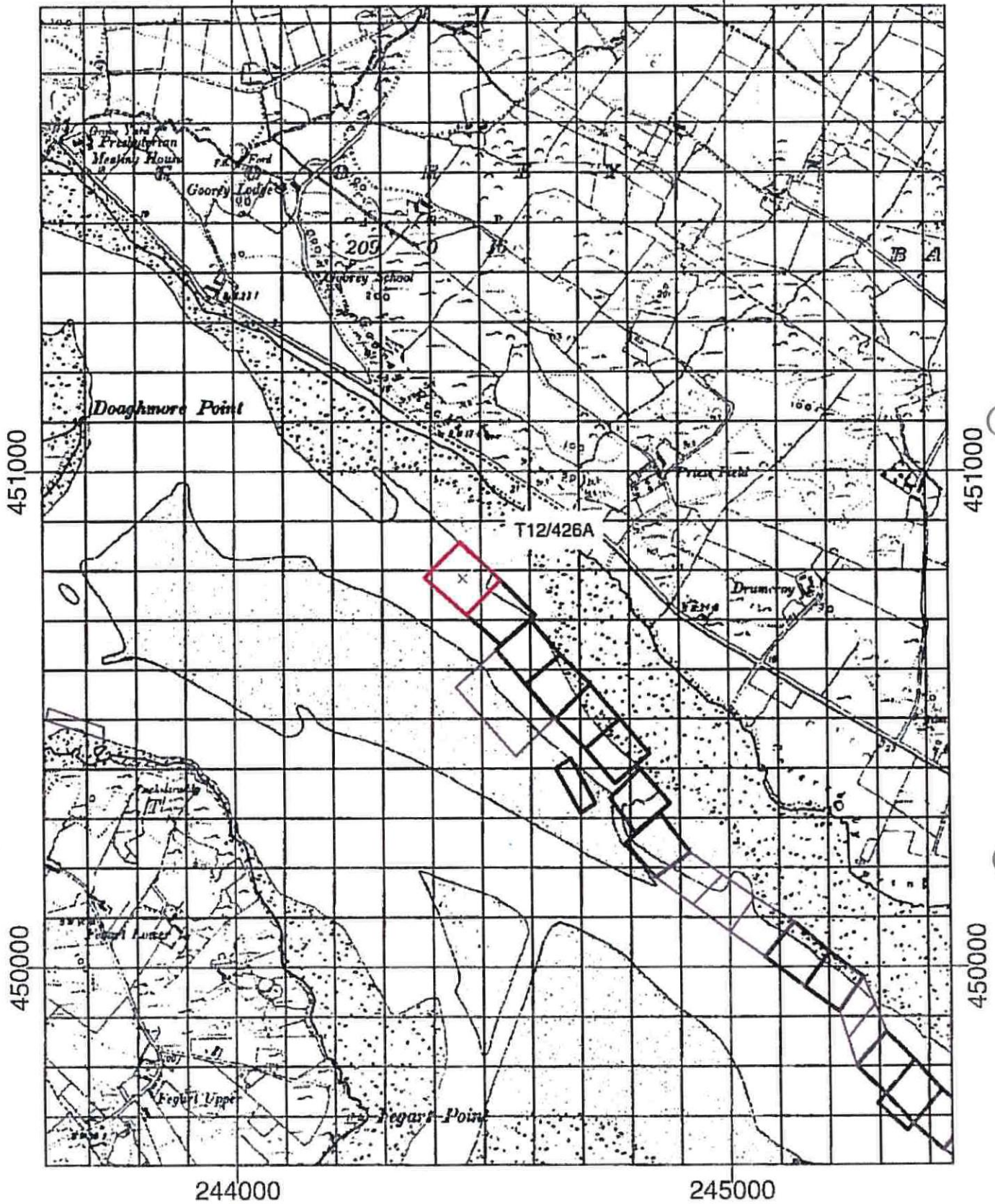
244470, 450710 to Irish National Grid Reference point

244385, 450785 to Irish National Grid Reference point

244457, 450857 to the first mentioned point.












244000

245000



**Aqua Cultura Sites**

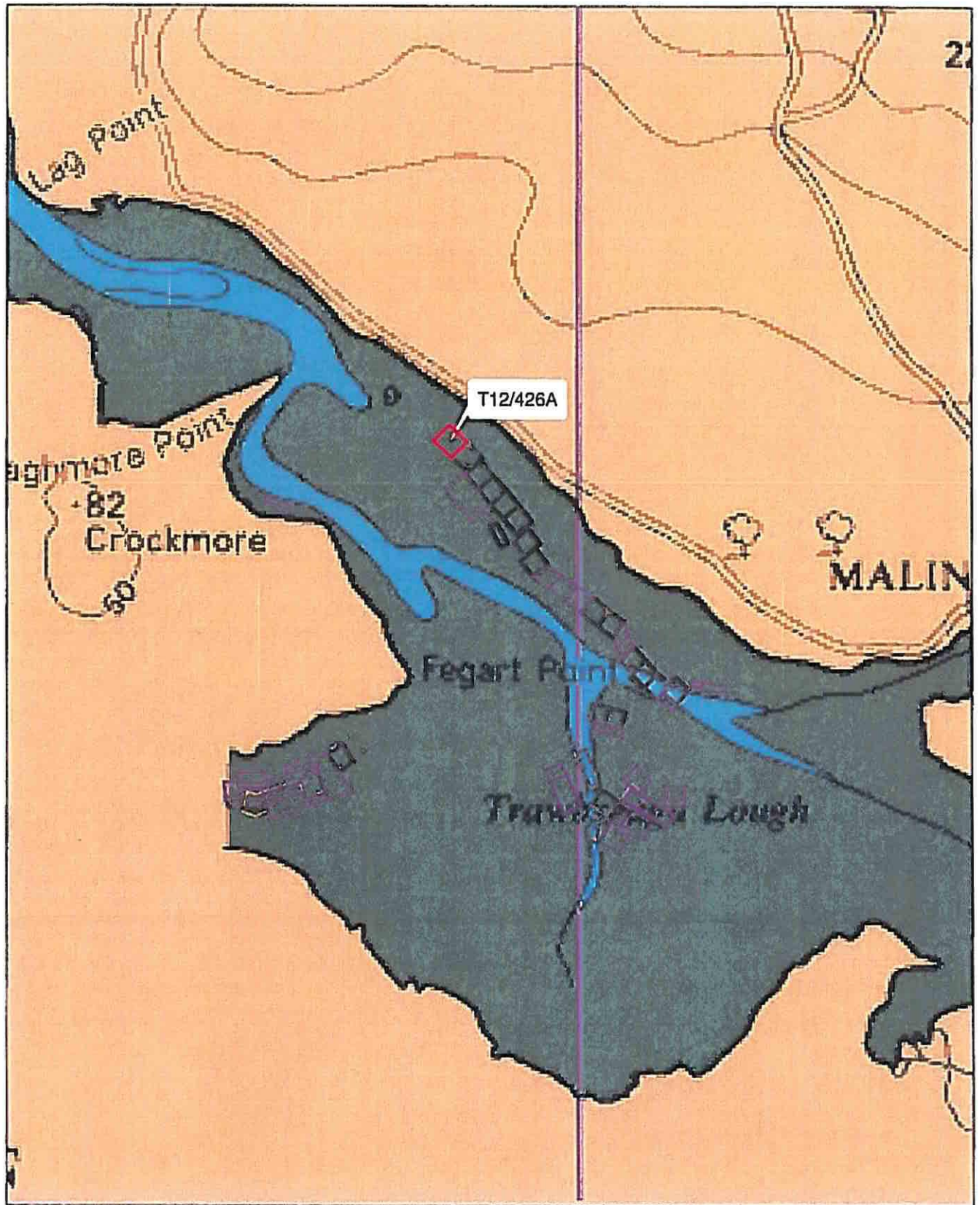
**Site Status**

-  Application
-  Application Lapsed
-  Application Refused
-  Application Withdrawn
-  Elected Period
-  Elected Revoked
-  Elected Surrendered
-  Elected
-  Unknown
-  Unallocated
-  100 Metre Protection Grid

1:10,560

Site Highlighted in red denotes application  
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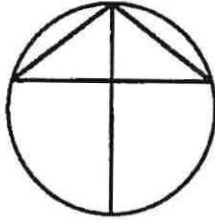
**Aqua Culture Sites**

Site Status	Application
[Red Square]	Application Reported
[Green Square]	Application Refused
[Blue Square]	Application Pending
[Yellow Square]	Application Withdrawn
[Purple Square]	Application Revoked
[Orange Square]	Application Suspended
[Grey Square]	Application Cancelled
[White Square]	Application Withdrawn

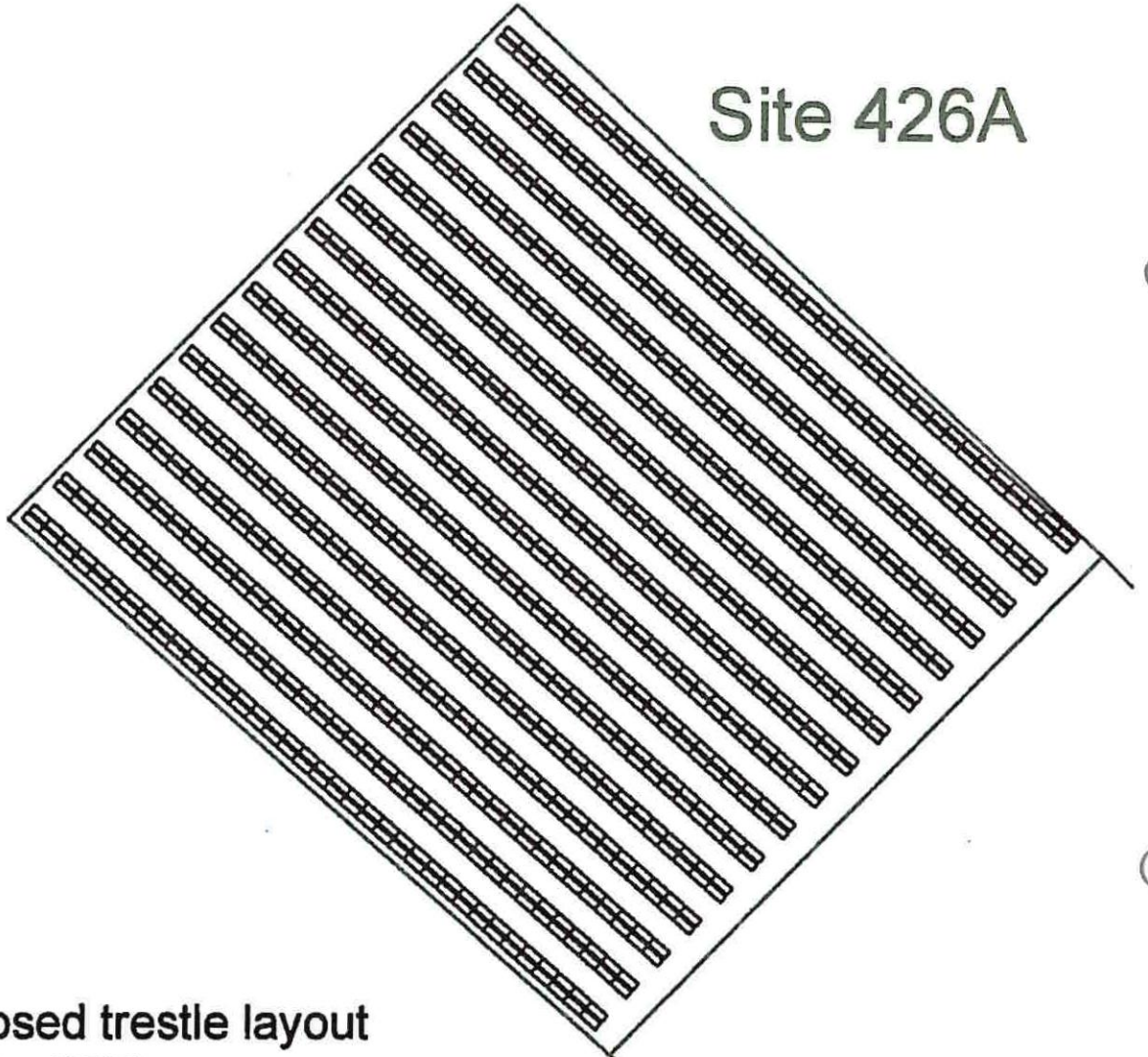
1:24,000  
 Site Highlighted in red denotes application  
 Part of Admiralty Chart No. 2811-0  
 Not to be used for Navigation.



N

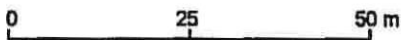


Site 426A

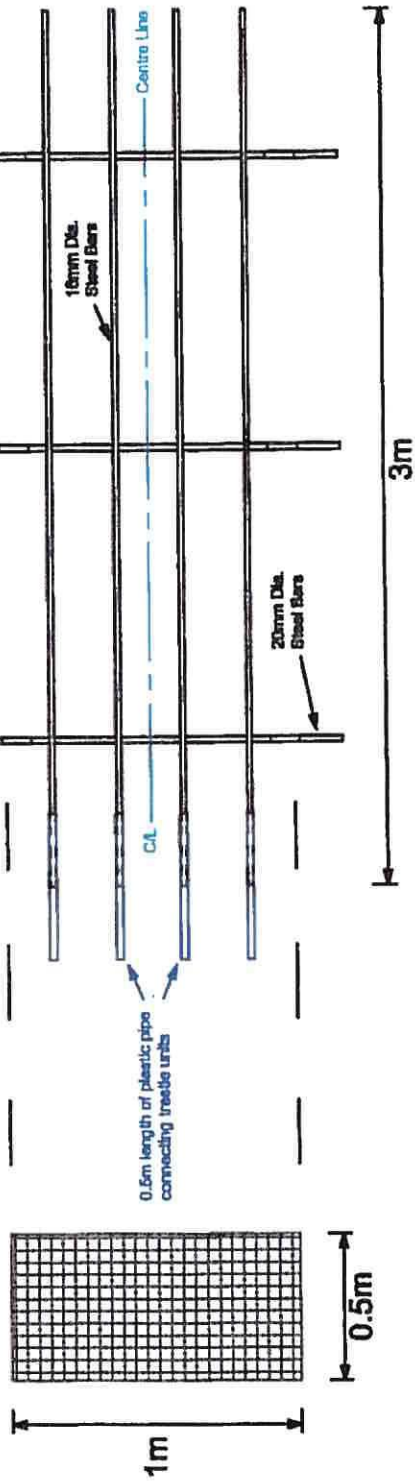
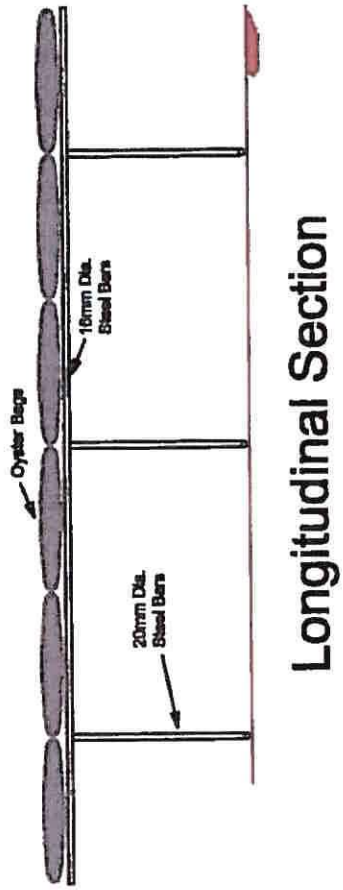
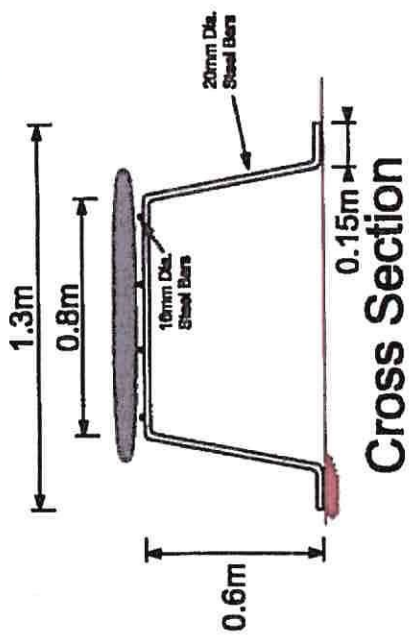


Proposed trestle layout  
on site 426A

scale 1 : 1000



Spacing between rows 0.305 m  
spacing between double rows 3.66m  
Each row is 36 trestles long ;  
There is a 4m wide access way near east boundary of site.



Plan (Bags not shown for clarity)

Typical Oyster Bag

