



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 16th of November 2017.**

Yours sincerely,

Eileen Maher

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



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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
T12/385	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 Carnodonagh Co. Donegal	Pacific Oysters	Trawbreaga Bay, Co. Donegal	Grant Licence
T12/458A & T12/458B	Benedetta Cazzamali, c/o Cipollone, Ballinraghnoos, Riverstick, Co. Cork	Pacific Oysters	Cruit Strand, Kincasslagh Bay, Gweedore, Co. Donegal	Refuse Licence
T12/470	Michael McLaughlin Keenaglug Carnodonagh 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 Carnodonagh 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/seafood/aquaculture/foreshoremanagement/aquaculturelicensing/aquaculture/licencedecisions/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 057 86 31912, e-mail 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 B4 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/>

www.agriculture.gov.ie
[@agriculture_ie](https://twitter.com/agriculture_ie)



Planning Notices	Planning Notices	Planning Notices	Planning Notices	Planning Notices
<p>DONEGAL COUNTY COUNCIL</p> <p>Moneen, St. Johnston, Co. Donegal</p> <p>L. Kenneth Vance am applying to Donegal County Council for Planning Permission to Use 5 Number Existing Agricultural Sheds within my farmyard complex for waste recovery purposes to include Reception, Storage and Treatment of Bio Waste products prior to land spreading within my landholding. The proposal shall include the following (a) proposed drainage provision on site for collection of run off to a proposed collection tank and (b) provision within one of the existing Sheds for testing and temporary storage of recyclable cartons and containers for recycling purposes off site and (c) Associated Site and Ancillary Development Works at Moneen, St. Johnston, Co. Donegal in the Townland of Moneen 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.</p>	<p>PLANNING APPLICATION TO DONEGAL COUNTY COUNCIL</p> <p>Franciscan Friary, Coolmore, Rosanowlagh, Co. Donegal. F94 P121</p> <p>The S.F. Trust Ltd. is applying to Donegal County Council for Planning Permission for the Retention of Development at the Franciscan Friary, Coolmore, Rosanowlagh, Co. Donegal. F94 P121. The development for which the retention 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 office 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 this application. The Planning Authority may grant permission subject to or without conditions, or may refuse to grant the permission.</p>	<p>DONEGAL COUNTY COUNCIL</p> <p>Shanaghan, Ardara, Co. Donegal</p> <p>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. 04/2701 and change of house design from that granted under planning ref. 04/2701 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, Donegal County Council, County House, Lifford, County Donegal during the public opening hours of the Planning Authority and that a submission or observation in relation to the application may be made to the Planning Authority, in writing, on the payment of the prescribed fee, 20 euros within the period of 5 weeks beginning on the date of receipt of the application by the Planning Authority.</p>	<p>DONEGAL COUNTY COUNCIL</p> <p>Lurganby Towland, Donegal Town, Co. Donegal.</p> <p>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 17/50808, to be constructed on lands on a site bounded by the R-267 Regional Road to the south and the L.6695-1 local road to the south west and the estate road to the IDA Business Park to the east and the Donegal Town Community Enterprise Centre Building to the north, located at Lurganby Towland, Donegal Town. The development will consist of the following: Amendments to and enlargement of the proposed building by the provision of an additional office area of approximately 74m² at ground floor and 74m² at first floor to form part of the overall general office, with amendments to the building footprint and elevations from that previously approved. 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 in relation to the application 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.</p>	<p>DONEGAL COUNTY COUNCIL</p> <p>Lurganby, Donegal Town.</p> <p>Abbott Ireland intend to apply for permission for development at their existing Abbott Ireland Diabetes Care site at Lurganby, Donegal Town, Co. Donegal. The development will consist of modifications and extensions to the existing plant, totalling 3,301sq.m., comprised of: a) Extension 1 Warehouse extension of 1,287 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 168sq.m. housing extended sanitary facilities at the front, south west corner of the plant; d) Extension 4New internal first floor extension of 1,083 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 in relation to the application 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.</p>
<p>DONEGAL COUNTY COUNCIL</p> <p>Creggan, Ballyhofey, Co. Donegal</p> <p>We, Steven O'Reilly & Sinead McGory 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 Creggan, Ballyhofey, Co. Donegal in the Townland of Creggan. 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.</p>	<p>DONEGAL COUNTY COUNCIL</p> <p>Magheracorran, Convy, Co. Donegal</p> <p>We, Jonathan & 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 Magheracorran, Convy, Co. Donegal in the Townland of Magheracorran. 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.</p>	<p>DONEGAL COUNTY COUNCIL</p> <p>Ballynatoe, Ballyhofey, Co. Donegal</p> <p>We, Brendan 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 Ballynatoe, Ballyhofey, Co. Donegal in the Townland of Ballynatoe. 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.</p>	<p>ANTIQUE & FURN RESTORATION</p> <p>ANTIQUES COLLECTABLES & VINTAGE FAIR, Sunday 19th Nov at the Clayton Hotel Sligo. 60+ tables of quality items at prices to suit all budgets. 11am-6pm 3.50/ 2.50*</p>	<p>Farm Machinery & Equipment</p> <p>WANTED! TRACTORS, Diggers & Telehandlers in all conditions - All Makes and Models for Exporting and Breaking. Top Prices Paid. Nationwide Collection. Tel UK: 00447818452267 ROI: 086 278 0014 www.webuytractorsanddiggers.com trucktractors@hotmail.com</p>
				<p>SPONSORSHIP</p> <p>Two Double Rooms to Rent in Good House Convenient to Town Centre Rent Reasonable Contact: 0878392193</p>



6th October, 2017

Ref: T12/470

Mr. Michael Mc Laughlin
Keenaglug
Carndonagh
Co. Donegal

COPY

sent by registered post

RL 5709 4550 SIR



Department of
**Agriculture,
Food and the Marine**

An Roinn
**Talmhaíochta,
Bia agus Mara**

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

Dear Mr. Mc Laughlin

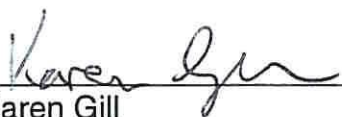
I would like to inform you that the Minister For Agriculture, Food and the Marine has refused your application for an Aquaculture Licence(s) and Foreshore Licence(s), for the cultivation of Pacific Oysters using bags and trestles on site No. T12/470A (See attached information note). I enclose an extract 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.citizensinformationboard.ie/>

Yours sincerely



Karen Gill

**Aquaculture & Foreshore Management Division
National Seafood Centre**
Clogheen
Clonakilty
Co. Cork.

Phone: 023 8859586

Email: Karen.gill@agriculture.gov.ie



To be inserted in Donegal Democrat- sent to applicant

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, Michael Mc Laughlin, Keenaglug, Carndonagh, Co. Donegal, REF: T12/470 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

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 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.citizensinformationboard.ie/>



To be inserted in the Donegal Democrat.

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

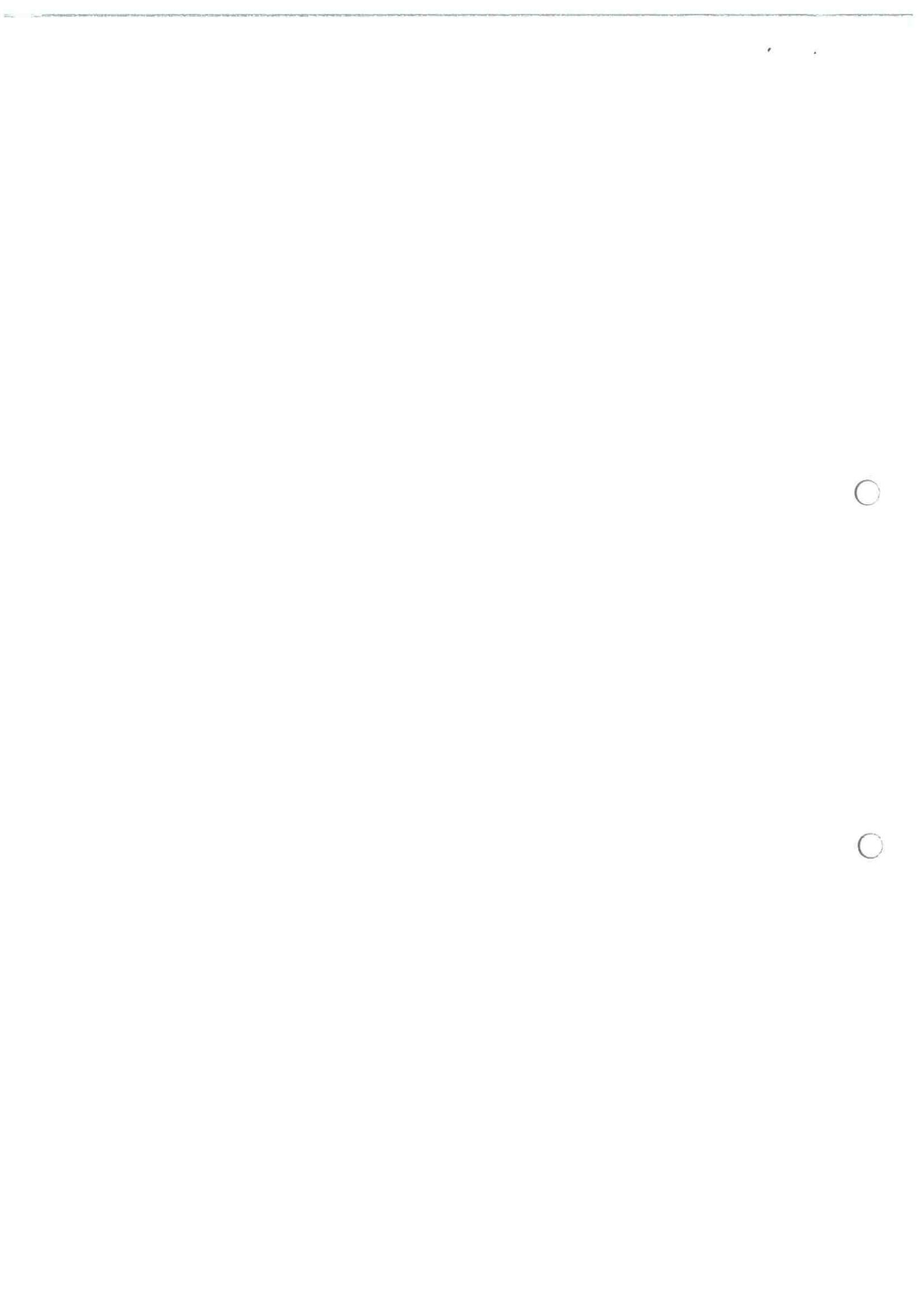
The Minister for Agriculture, Food and the Marine has decided to grant and refuse Aquaculture and Foreshore Licences to the following in the table below in Co.Donegal:

Reference Number	Name	Species	Bay	Decision
T12/385	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

The reasons for this decision are elaborated on the Department's website at:

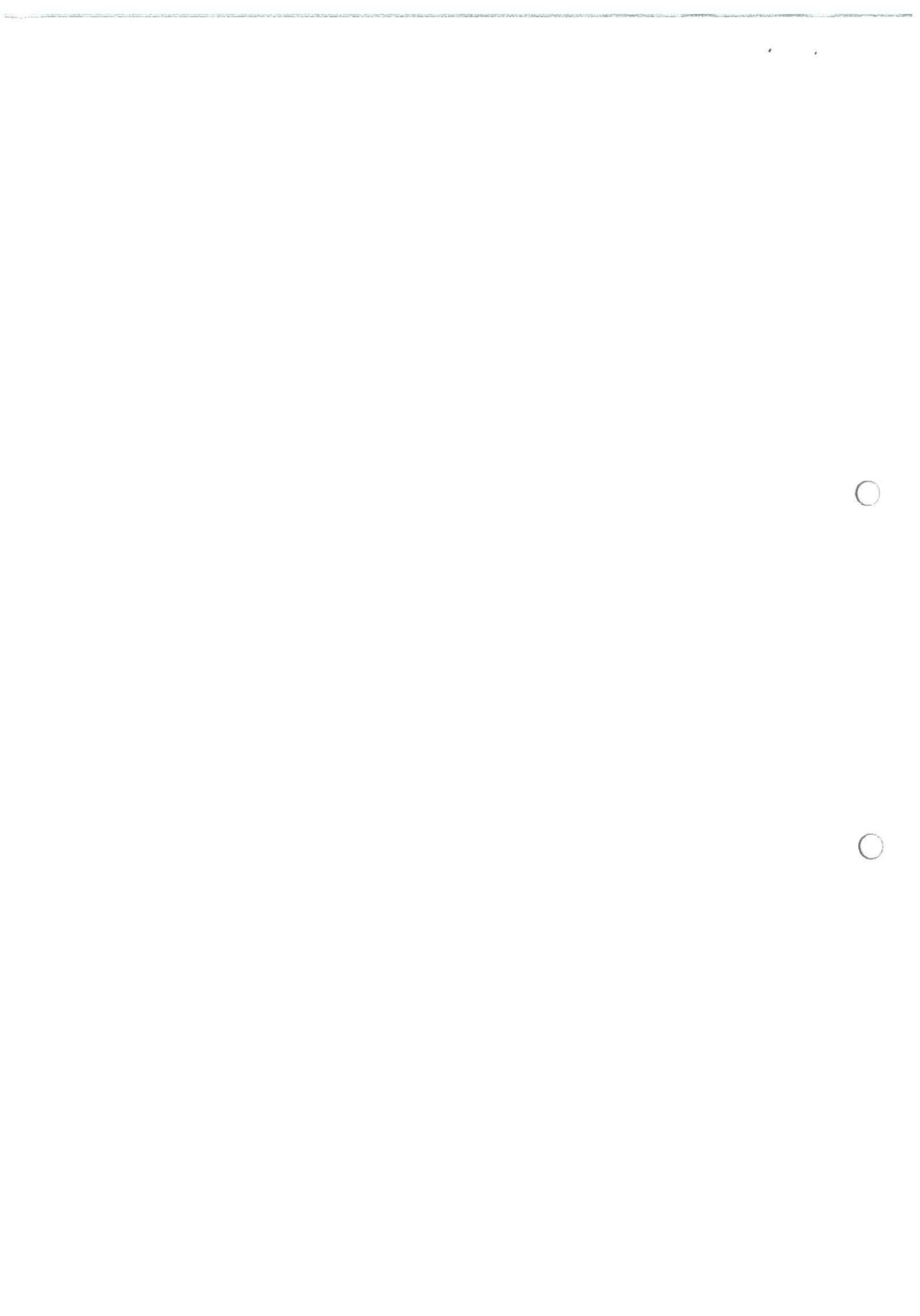
<http://www.agriculture.gov.ie/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquaculturelicencedecisions/donegal/>

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 057 86 31912, e-mail 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/>



To be inserted in Iris Oifigiuil

FORESHORE ACT, 1933 NOTICE OF DECISION TO GRANT AND TO REFUSE TO GRANT FORESHORE LICENCE(S)

The Minister for Agriculture, Food and the Marine has decided to grant/refuse Foreshore Licence(s) to the following in the table below in Co. Donegal:

Reference No	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
T12/458	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 Sliebawn Malin Head Co.Donegal	Pacific Oysters	Trawbreaga Bay, Co.Donegal	Refuse Licence
T12/472	James Neary North Town Malin Head Co.Donegal	Pacific Oyster	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

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/>



The documentation upon which the Minister determined the application may be inspected free of charge at the Department's Offices in Clonakilty, Co. Cork, by contacting the Aquaculture & Foreshore Management Division on 023 8859500.



AAA

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00215-17: Recommendation to Refuse an Aquaculture and Foreshore Licences for 1 site (T12/470)

To: Minister	Author: Karen Gill
Status: Completed	Owner: Gill, Karen
Purpose: For Decision	Reviewers: Foley, Gerry,Whelton, Batt,Quinlan, John,Beamish, Cecil
Division/Office: Coastal Zone Management	
Decision By:	

Final Comment

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

Seen and Approved

Date Signed

Action Required

Ministerial Determination on Aquaculture/Foreshore Licensing Application (T12/470)

Executive Summary

The Minister's determination is requested in relation to an application of an Aquaculture Licence from Michael Mc Laughlin, Keenaglug, Carndonagh, Co.Donegal. The application is for the cultivation of Pacific Oysters using bags and trestles on Site T12/470A, totalling 1.068 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 09:29:01) Ann Smith: Approved for submission to Minister.
- (01/11/2017 09:20:58) 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 13:21:43) John Quinlan: Refusal is recommended please for the reasons set out in the detailed submission.
- (23/10/2017 17:06:36) Batt Whelton: I agree with recommendation that this application be refused as the proposed oyster farm is likely to cause substantial visual impacts on views from the R242 route.
- (23/10/2017 15:46:09) Gerry Foley: Aquaculture and Foreshore licence applications recommended for refusal by the Minister on the grounds outlined in the submission above.

Detailed Information



Recommendation to Refuse to grant an Aquaculture Licence Application (T12/470)

DECISION SOUGHT

The Minister's determination is requested please in relation to an application for an Aquaculture Licence from Michael McLaughlin, Keenaglug, Carndonagh, Co. Donegal, for a site in Trawbreaga Bay, Co. Donegal.

A submission in respect of the application for a Foreshore Licence is also set out below, 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

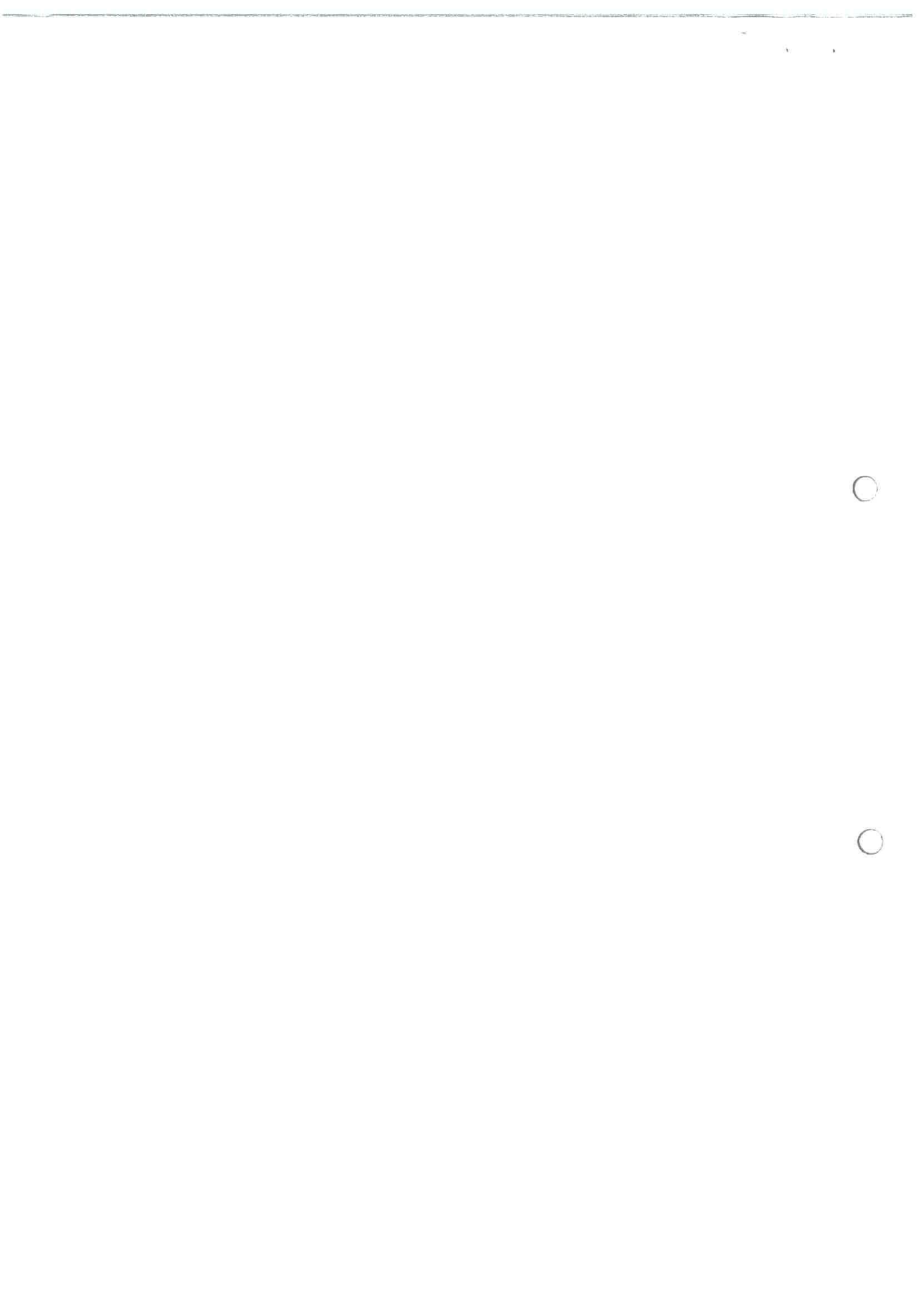
An application for an Aquaculture Licence has been received from the applicant referred to above (in conjunction with an application for a Foreshore Licence) for the cultivation of Pacific Oysters using bags and trestles in relation to a 1.068 hectare site on the foreshore in Trawbreaga Bay, Co. Donegal (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.

Article 6(3) of the Habitats Directive provides that *"Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon ... shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives ... the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned .."*

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 (MED): – 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 Trillick Bay, including this site (this is covered under a separate heading below).

Marine Survey Office: No objection from navigational viewpoint provided standard navigational requirements are complied with.

Sea Fisheries Protection Authority: No reason why this application cannot be approved.

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: Provided a comprehensive report on the application and had no objection to the licence being granted.

Commissioner of Irish Lights: No objection to the development.

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 T12/470A (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 (or very substantial) significance would arise in the case of 6 development proposals, including site 470A. 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. Potential visual impacts are addressed under the LVIA above

-other beneficial uses of the waters concerned

The issue of significant visual impacts from the proposed aquaculture activity and subsequent negative impacts on tourism were raised at statutory consultation. This is addressed under the LVIA above

-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.

-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. However, due to magnitude of physical change posed by the placing of trestles in this area and viewpoint sensitivities, detrimental effects on tourism cannot be ruled out.

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

No significant issues arose regarding wild fisheries.

-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 Determination at **TAB B**). However, the determination also contained a recommendation that a Landscape and Visual Impact Assessment be carried out.*

-DCHG raised no objection to the development from an underwater archaeological perspective.

RECOMMENDATION

It is recommended that the Minister:

Refuses to granting of an Aquaculture Licence to Michael McLaughlin, Keenaglug, Carndonagh, Co. Donegal, for one site (ref. T12/470A) in Trawbreaga Bay.



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 (or very substantial) significance would arise in the case of 6 development proposals, including site 470A.

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 –T12/470

Michael McLaughlin has applied for permission to cultivate Pacific Oysters using bags and trestles on the inter-tidal foreshore on a 1.068 ha site (T12/470A) 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.

The following are the reasons and considerations for the Minister's determination to refuse the licences sought:

-Landscape Impact: This area of the bay'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 will not give rise to substantial landscape scale impacts, wider area development, involving most of the sites applied for in this area, including T12/470A, would give rise to landscape impact of substantial significance;

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

Karen Gill

Aquaculture and Foreshore Management Division

Recommendation to refuse to grant a Foreshore Licence application (T12/470)



The Minister's determination is requested please in relation to the application for a Foreshore Licence from Michael McLaughlin, Keenaglug, Carndonagh, 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 1.068 hectare site –numbered T12/470A – 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 were received in respect of this application.



Technical Consultation

Marine Engineering Division (MED): – recommended that this site 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 from navigational viewpoint.

Sea Fisheries Protection Authority: No reason why this application cannot be approved.

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.

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 Michael McLaughlin, Keenaglug, Carndonagh, Co. Donegal, for a site in Trawbreaga Bay.

Karen Gill

Aquaculture and Foreshore Management Division

Related Submissions

There are no related Submissions.

User Details

Users with access to Submission

- Gill, Karen
- Foley, Gerry
- Whelton, Batt
- Quinlan, John
- Beamish, Cecil
- Sub Sec Gens Office
- eSub Ministers Office

Read receipt list

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

Action Logs

- **Created:** 23/10/2017 12:29:03: Submission created by Karen Gill
- **Sent For Review:** 23/10/2017 12:46:45: Submission sent to Gerry Foley for review by Karen Gill
- **Sent For Review:** 23/10/2017 15:47:25: Submission sent to Batt Whelton for review by Gerry Foley
- **Sent For Review:** 23/10/2017 17:07:11: Submission sent to John Quinlan for review by Batt Whelton
- **Sent For Review:** 31/10/2017 13:22:08: Submission sent to Cecil Beamish for review by John Quinlan
- **Sent to the Secretary General:** 01/11/2017 09:21:12: Submission sent to Secretary General for review by Cecil Beamish
- **Sent to the Minister:** 01/11/2017 09:29:02: 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 16:54:19: 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 T12/230A, T12/453A, T12/470A and
T12/475A**

**Ministerial Determination in relation to EIS requirements for 4
Aquaculture Licence applications for the cultivation of shellfish by
Michael Mc Laughlin 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. Mc Laughlin's new and renewal aquaculture licence applications 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 3 new and 1 renewal applications (total 5.278 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) Cumulative negative visual impact of development of sites T12/453, T12/470A & T12/475A and its neighbours will require further consideration prior to a licensing decision
- 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 (sites T12/453, T12/470A & T12/475A) will require assessment and possibly mitigation by appropriate navigational marking/site area reduction or other measures – to be determined
- i) no significant impact on recreational use of the adjoining foreshore
- j) the findings of the Appropriate Assessment in relation to impacts on protected habitats and species.

DATED: 4th April 2017

**EIA SCREENING ASSESSMENT T12/230,
T12/453, T12/470 & T12/475**

1. Applicant Details

Name
Address

Michael Mc Laughlin
Keenaglug
Cardonagh
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

Yes. With the exception of Articles 3, 4 Regulation EC 708/2007 does not apply to the production of *C. gigas*.

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

Year 1	Estimated annual tonnage 80 tonnes
Year 2	Estimated annual tonnage 80 tonnes
Year 3	Estimated annual tonnage 80 tonnes
Year 4	Estimated annual tonnage 80 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

T12/230, T12/453, T12/470 & T12/475
4 sites T12/230A(renewal), T12/453 A, T12/470A & T12/475A(new)

Trawbreaga Bay
0.91Ha T12/230A, 1.1 ha T12/453 A, 1.068 ha T12/470A & 2.2 ha T12/475A Total 5.278

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

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, identify relevant sections

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	

T12/230		
EIA SCREENING CHECKLIST		
Is it an ANNEX II project?	YES	
Is the project located on or adjacent to a Natura 2000 area?	Yes The project is located within North Inishowen Coast SAC (Site Code 002012) and Trawbreaga Bay SPA (Site Code 004034)	
If yes, has the appropriate assessment been carried out?	Yes. An Article 6 assessment of aquaculture activities in North Inishowen Coast SAC and Trawbreaga SPA has been carried out and published on Department Website	
1. CHARACTERISTICS OF THE PROJECT - ANNEX III (1)	Yes/No - Briefly describe	Is this likely to result in a significant effect? Yes/No? - Why
(a) Size of project		
Will the project be out of scale with the existing environment?	No. The development 5.278 ha in total across 4 sites, is not out of scale relative to the body of coastal water within which it is located.	
Will it lead to further consequential development or works (e.g. new roads, landing facilities, provision of new water supply)?	No. Existing infrastructure will be used and no additional infrastructure developments are needed.	
(b) Cumulation with other development		
Are there potential cumulative impacts with existing aquaculture projects or with other licensed aquaculture projects but which have not yet begun?	Yes. There are other aquaculture projects in the bay involving the cultivation of oysters. There are potential navigational, visual and benthic impacts.	No. The impact on the benthos will be localised and limited to the area directly beneath the trestles. The impact on navigation (sites T12/453, T12/470A & T12/475A) will require assessment and possibly mitigation by appropriate navigational marking/site area reduction or other measures – to be

		determined. Cumulative visual impact of development of sites T12/453A, T12/470A & T12/475A and its neighbours will require further consideration prior to a licensing decision. There will be no significant impact 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? T12/230	No.	
1. CHARACTERISTICS OF THE PROJECT - ANNEX III (1) cont'd	Yes/No - Briefly describe	Is this likely to result in a significant effect? Yes/No? - Why
(b) Cumulation with other development contd		
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. Production involves 4 sites – T12/230 (renewal) and T12/453, T12/470 & T12/475 (new applications)	
(c) Use of natural resources		
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"> • land (especially undeveloped or agricultural land)? • water? • energy including electricity and fuels? • any other resources? 	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.
(d) Production of waste		
Will the project produce wastes during installation or operation or decommissioning? <ul style="list-style-type: none"> • municipal waste (household and/or 	Yes. The cultivation of shellfish will produce faeces and pseudofaeces. Grading and removal of mortalities will result in shells	No. The amount of produced faeces and pseudofaeces will be small and the impacted area will be limited to the area directly

commercial)? <ul style="list-style-type: none"> • surplus product? • construction or demolition wastes? • redundant machinery or equipment? • any other solid wastes? • liquid or solid wastes in suspension? 	being discarded. Trestles, bags, associated with the growing process may need to be replaced.	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.
T12/230		
2. CHARACTERISTICS OF THE PROJECT - ANNEX III (1) cont'd	Yes/No - Briefly describe	Is this likely to result in a significant effect? Yes/No? - Why
(e) Pollution and nuisances contd.		
Will the project release pollutants or any hazardous, toxic, or noxious substances to air? Emissions from: <ul style="list-style-type: none"> • combustion of fossil fuels from stationary or mobile sources? • Construction activities including plant & equipment? • any other sources. 	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.	No. The emissions levels will not be significant.
Will the project cause noise and vibration or release of light? <ul style="list-style-type: none"> • from operation of equipment e.g. engines? • from blasting or piling? • from construction or operational traffic? • from lighting or other systems? • from any other sources? 	Yes. There will be noise associated with husbandry and harvesting of shellfish from tractor and other noise.	No. Noise levels will not be significant
(f) Risk of accidents, having regard in particular to substances or technologies used		
Will there be any risk of accidents during installation or operation of the project which could affect human health or the environment?	Yes. There may be a minor risk of physical injury while working onsite but no risk to human health.	No. There is minor risk to the environment from onsite accidents.

<p>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?</p>	<p>No. No chemicals or hazardous substances will be used during the production process.</p>	
<p>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)?</p> <ul style="list-style-type: none"> • use of hazardous or toxic substances? • potential changes in occurrence of disease or effect on disease carriers (e.g. insect or water borne diseases)? 	<p>No. Cultivation of oysters depends on naturally occurring marine resources. No harmful substances or materials will be used.</p>	
<p>T12/230</p>		
<p>1. CHARACTERISTICS OF THE PROJECT - ANNEX III (1) cont'd</p>	<p>Yes/No - Briefly describe</p>	<p>Is this likely to result in a significant effect? Yes/No? - Why</p>
<p>(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)?</p> <ul style="list-style-type: none"> • dredging? • coastal structures (seawalls, piers)? • offshore structures? • facilities for storage of goods or materials? • facilities for treatment or disposal of solid wastes or liquid effluents? • new road, rail or sea traffic during construction or operation? • new road, rail, air, waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc? • closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements? • new or diverted transmission lines or 	<p>Yes. Trestles will be placed on the foreshore.</p>	<p>No. The development can be considered as minor and reversible as all structures can be removed.</p>

<p>pipelines?</p> <ul style="list-style-type: none"> • transport of personnel or materials for construction, operation or decommissioning? • decommissioning or restoration works? • introduction of alien species? • loss of native species or genetic diversity? any other changes? 	<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>.</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 continued use of triploid oyster stock will further reduce the risk. Additionally, the continued 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>
(h) Inherent social changes		
<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>
T12/230		
2. LOCATION OF THE PROJECT - ANNEX III (2)		
(a) Existing land use		
<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>	
<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?</p>	<p>No.</p>	
<p>Is the project located in a previously undeveloped area?</p>	<p>No. T12/230 (renewal) and T12/453, T12/470 & T12/475 (new applications) and there is other shellfish production in the bay.</p>	
(b) Relative abundance, quality and regenerative capacity of natural resources in the area		

<p>Are there any areas on or around the location which contain important, high quality or scarce resources which could be affected by the project?</p> <ul style="list-style-type: none"> • groundwater resources • surface waters • fisheries • tourism 	<p>Yes. Fisheries and Tourism</p>	<p>Given the location and scale of the proposed aquaculture site significant impacts on the fisheries / tourism in the area are not considered likely</p>
<p>(c) Absorption capacity of the natural environment</p>		
<p>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?</p>	<p>Yes. This site is located in Trawbreaga SPA (004034) and North Inishowen Coast SAC (002012)</p> <p>The SAC is designated for the habitat feature of 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>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 (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>T12/230</p>		
<p>2. LOCATION OF THE PROJECT - ANNEX III (2) cont'd.</p>	<p>Yes/No - Briefly describe</p>	<p>Is this likely to result in a significant effect? Yes/No? - Why</p>
<p>(c) Absorption capacity of the natural environment cont'd</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"> • wetlands, watercourses or other waterbodies? 	<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 application have not and will not cause any change in the permanent area occupied by the wetland habitat.</p>

<ul style="list-style-type: none"> • the coastal zone? • mountains, forests or woodlands? • nature reserves and parks? 		
<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. This site is located in Trawbreaga SPA (004034) and North Inishowen Coast SAC (002012) 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. 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, including this site, 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>
<p>Are there any inland, coastal, marine or underground waters on or around the location which could be affected?</p>	<p>No.</p>	
<p>Are there any groundwater source protection zones or areas that contribute to the recharge of groundwater resources?</p>	<p>No.</p>	
<p>Are there any areas or features of high landscape or scenic value on or around the location which</p>	<p>No.</p>	

could be affected?		
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.	
T12/230		
2. LOCATION OF THE PROJECT - ANNEX III (2) cont'd	Yes/No - Briefly describe	Is this likely to result in a significant effect? Yes/No? - Why
(c) Absorption capacity of the natural environment cont'd		
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 Cumulative negative visual impact of development of sites T12/453, T12/470A & T12/475A and its neighbours will require further consideration prior to a licensing decision. 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	
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.	
<p>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 T12/453, T12/470A & T12/475A consideration of the visual impact of the proposed development (individually and cumulatively with other developments) and of the risk posed to navigation will be required prior to a licensing decision</p>		
<p>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</p>	<p>Dated 15/3/19 <i>uj</i></p>	



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

NB: The 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 Parts 3 and 4 and any other information supplied will not be released except as may be required by law, including the Freedom of Information Act 1997 as amended.

**USE BLOCK CAPITALS IN BLACK INK
PLEASE**

For Office Use
Application Ref. No. <u>T12/470</u>
Date of Receipt (Dept. Stamp):



Type of Applicant (tick one)	
Sole Trader	<input checked="" type="checkbox"/>
Partnership	<input type="checkbox"/>
Company	<input type="checkbox"/>
Co-Operative	<input type="checkbox"/>
Other	Please specify- <input type="checkbox"/>

PART 1: PRELIMINARY DETAILS

Applicant's Name(s)	
1.	<u>MICHAEL MC LAUGHLIN</u>
Address:	<u>KEENAGLUG CARN DONAGH CO. DONEGAL</u>
2.	
Address:	
3.	
Address:	
4.	
Address:	

Contact in case of enquiries (if different from above)	
Contact Name	
Organisation Name (if applicable)	N/A
Address	

PART 1: PRELIMINARY DETAILS

TYPE OF APPLICATION – please indicate relevant type of application This Application Form is valid for each type of application - <i>See Guidance Note 3.1</i>	
(i) Aquaculture Licence	<input checked="" type="checkbox"/>
(ii) Trial Licence	<input type="checkbox"/>
(iii) Foreshore Licence, if Marine Based	<input type="checkbox"/>
(iv) Review of Aquaculture Licence	<input type="checkbox"/>
(v) Renewal of Aquaculture Licence	<input type="checkbox"/>

TYPE OF AQUACULTURE

See Guidance Note 3.2

Indicate the relevant type of application with a tick.

(i) MARINE-BASED

- | | | |
|--|-------------------------------------|--------------------------|
| Finfish | <input type="checkbox"/> | Go to Parts 2.1 and 2.1A |
| Shellfish <i>Subtidal</i> | <input type="checkbox"/> | Go to Parts 2.2 and 2.2A |
| <i>Intertidal</i> | <input checked="" type="checkbox"/> | Go to Parts 2.2 and 2.2A |
| Seaweed/Aquatic Plants/Aquatic Fish Food | <input type="checkbox"/> | Go to Parts 2.3 and 2.3A |

(ii) LAND-BASED

- | | | | | |
|----------------|--------------------------|-------------------|--------------------------|--------------------------|
| Finfish | <input type="checkbox"/> | Shellfish | <input type="checkbox"/> | Go to Parts 2.4 and 2.4A |
| Aquatic Plants | <input type="checkbox"/> | Aquatic Fish Food | <input type="checkbox"/> | Go to Parts 2.4 and 2.4A |

(iii) TRIAL LICENCE

- | | |
|--------------------------|---|
| <input type="checkbox"/> | Go to appropriate Parts as above and to Part 2.5. |
|--------------------------|---|

2.2 MARINE-BASED SHELLFISH AQUACULTURE

When filling out this section refer also to 2.2A and Guidance Note 3.3 for information on Conditions and Documents required with this application type

Proposed Site Location

- (i) Bay: TRAWBLAGA.
- (ii) County: DONEGAL.
- (iii) OS Map No: _____
- (iv) Co-ordinates of Site: (please specify coordinate reference system used e.g. Irish Grid (IG) or Irish Transverse Mercator (ITM) or Latitude/Longitude [in which case specify whether ETRS89 or WG84 etc.]
244035E 451116N 244136E 451116N.
243978E 451225N
244073E 451225N.
- (v) Size of Site (hectares): 2.

(vi) Species (common and scientific name) and whether native or non-native species: (see Guidance Notes 3.3.1)

GIGAS.

(vii) Whether production will be sub-tidal or inter-tidal?

Inter-Tidal.

(viii) Please supply details of (a) source of seed e.g. wild hatchery and location and (b) means of collection and introduction to culture.

Hatchery seed - FRANK NISSAN

NB Importation of seed into the State or movement of seed within the State requires notification to the Marine Institute as per the Fish Health Authorisation Regulations - See Guidance Notes Section 6

(ix) Method of culture (rope, trestles - intensive; bottom - extensive; other)

TRESTLES AND BAGS

(x) Proposed number of lines/ropes/trestles as per site layout drawing

300 TRESTLES and 2500 BAGS - Please see attached

(xi) Proposed Production Tonnage:

Year 1	0	Year 2	0	Year 3	12T.	Year 4	1520T	Year 5	
--------	---	--------	---	--------	------	--------	-------	--------	--

(xii) (a) Please outline the reasons for site selection:

Good access + Good quality water.
and

(b) If using trestles please outline the physical characteristics of the site which make it suitable for using trestles

Good firm ground

(xiii) Is it intended that the product is for direct human consumption or half grown? Please specify

Direct human consumption

(xiv) How will the visual impact issues of the flotation devices for the proposed application be addressed?

N/A

(xv) Is the site located in Designated Shellfish Waters Area? (Refer to Guidance Note 3.3.2)

Yes No

If yes give details.

See map enclosed.

If no outline the reasons why you believe the site suitable for the proposed aquaculture, notwithstanding its location outside Designated Shellfish Waters Area?

N/A.

(xvi) Has the area been classified under Food Safety Legislation? (For Bivalve Molluscs) What is the current classification of the area for the proposed species applied for?

N/A.

(xvii) Is the site located in/adjacent to a sensitive area e.g. SPA (Special Protection Area) or SAC (Special Area of Conservation) i.e. a Natura 2000 site? (Refer to Guidance Note 3.3.1- Natura 2000 sites)

Yes.

(xviii) Are there known sources of pollution in the vicinity e.g. sewage outfall?

Yes/(No)

If yes please give full details.

(xix) Methods used to harvest the shellfish and details of any subsequent processing of shellfish

By hand from trestles + bags.

(xx) Describe any proposed purification facilities to be used:

N/A.

(xxi) What are the main predators of the species to be cultivated?

See need.

(xxii) Describe the method(s) which will be used to control them

Winkles.

See Part 2.2A for details of documentation to be included with this application type

**2.2A DOCUMENTATION REQUIRED FOR MARINE-BASED SHELLFISH
AQUACULTURE**

(to be included separately with a Licence Application for a new site or for a renewal or review of an existing Licence)

1. An appropriate Ordnance Survey Map (recommendation is a map to the Scale of 1:10,000/1:10,560, i.e. equivalent to a six inch map). Note: The proposed access route to the site from the public road across tidal foreshore must also be shown on the map. ✓
2. Scale drawing of the structures to be used and the layout of the farm.
The proposed site drawings must illustrate all site structures above and below the water including mooring blocks. (recommended scales normally 1:100 for structures and 1:200 for layout) (See Guidance Note 3.3.2) ✓
3. The prescribed application fee (See Guidance Note Section 4) ✓
4. If the applicant is a limited Company within the meaning of the Companies Act 1963, as amended, the Certificate of Incorporation and Memorandum and Articles of Association
N/A.
5. If the applicant is a Co-operative, the Certificate of Incorporation and Rules of the Co-operative Society
N/A.
6. Environmental Impact Statement (if required) in certain cases- See Guidance Notes Section 3.3.1
N/A.
7. Alien Species dossier (where required) – See Guidance Notes Section 3.3.1
N/A.

NOW COMPLETE PARTS 2.6, 3, 4 AND 5 PLEASE

**2.6 Employment, Qualifications, Experience, etc
TO BE FILLED IN BY ALL AQUACULTURE APPLICANTS**

(i) Please provide details of experience/qualifications of the applicant and any key personnel which are relevant to the aquaculture now proposed:

10 years Farming oysters
in trawbreaga bay Co. Donegal
producing good quality oysters

(ii) If a new application please provide details of projected employment creation during first four years of the proposed aquaculture project:

(iii) In the case of a renewal please provide current and future details:

Hoping no employ are Full time
Its a family business and are
part time.

FULLTIME JOBS

Year 1:	7	Year 2:	7	Year 3:	7	Year 4:	7
---------	---	---------	---	---------	---	---------	---

PART TIME JOBS

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

PART 5: DECLARATION AND SIGNING

NB: Refer to Guidance Note Section 3.5 and Section 4 - Guidance on Declaration and Signing and Annual Aquaculture and Foreshore Licence Fees

If this is a renewal/review have you met all licence conditions of the existing aquaculture licence? If applicable, explain why you have not complied with all conditions:

I/We hereby declare the information provided in Parts 1, 2, 3 and 4 above to be true to the best of my/our knowledge. I/We enclose an application fee* of € 95 - 23 with this application.

Signature(s) of Applicant(s):
(Please state capacity of persons signing on behalf of a Company/Co-op)

Michael W. Laughlin

Date: 29 Aug. 2013

NB All persons named on this licence application must sign and date this application form. Only the existing licence holder(s) can apply for the renewal/review of an Aquaculture Licence.

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

Refer to Guidance Note Section 4 - Guidance on Aquaculture and Foreshore Licence Fees

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

**Aquaculture Licensing
Aquaculture & Foreshore Management Division
Department of Agriculture, Food and the Marine
National Seafood Centre
Clonakilty
Co. Cork**

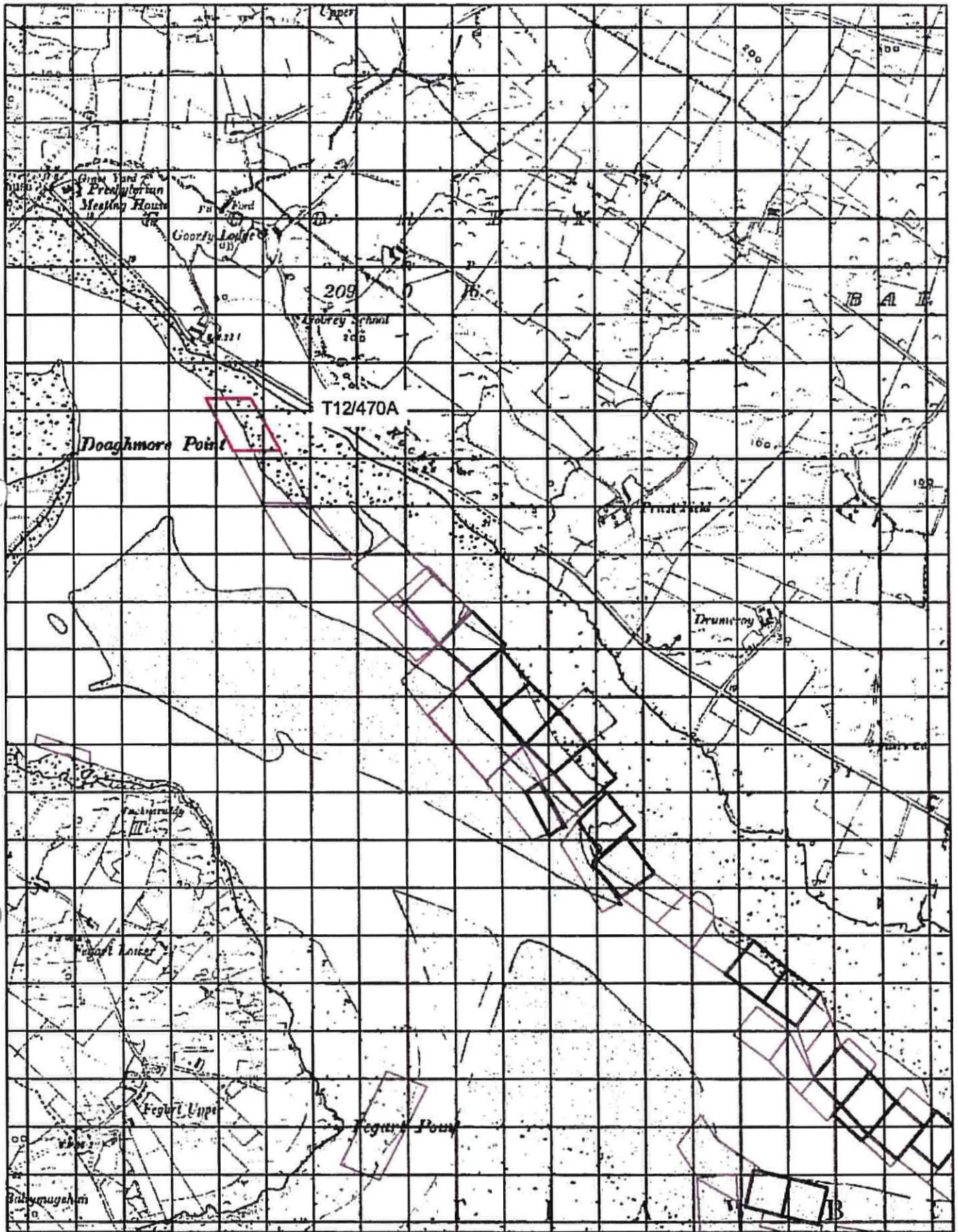
1 NO. SITE AT TRAWBREAGA BAY CO.DONEGAL

Co-ordinates & Area

Site T12/470A (1.068 Ha)

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










244035, 451116 to Irish National Grid Reference point
243978, 451225 to Irish National Grid Reference point
244073, 451225 to Irish National Grid Reference point
244136, 451116 to the first mentioned point.



Aqua Culture Sites

←all other values→

Site_Status

-  Application
-  Lapsed
-  Licensed
-  Refused
-  Renewed
-  Revoked
-  Surrendered
-  Withdrawn
-  100 Meter Reference Grid

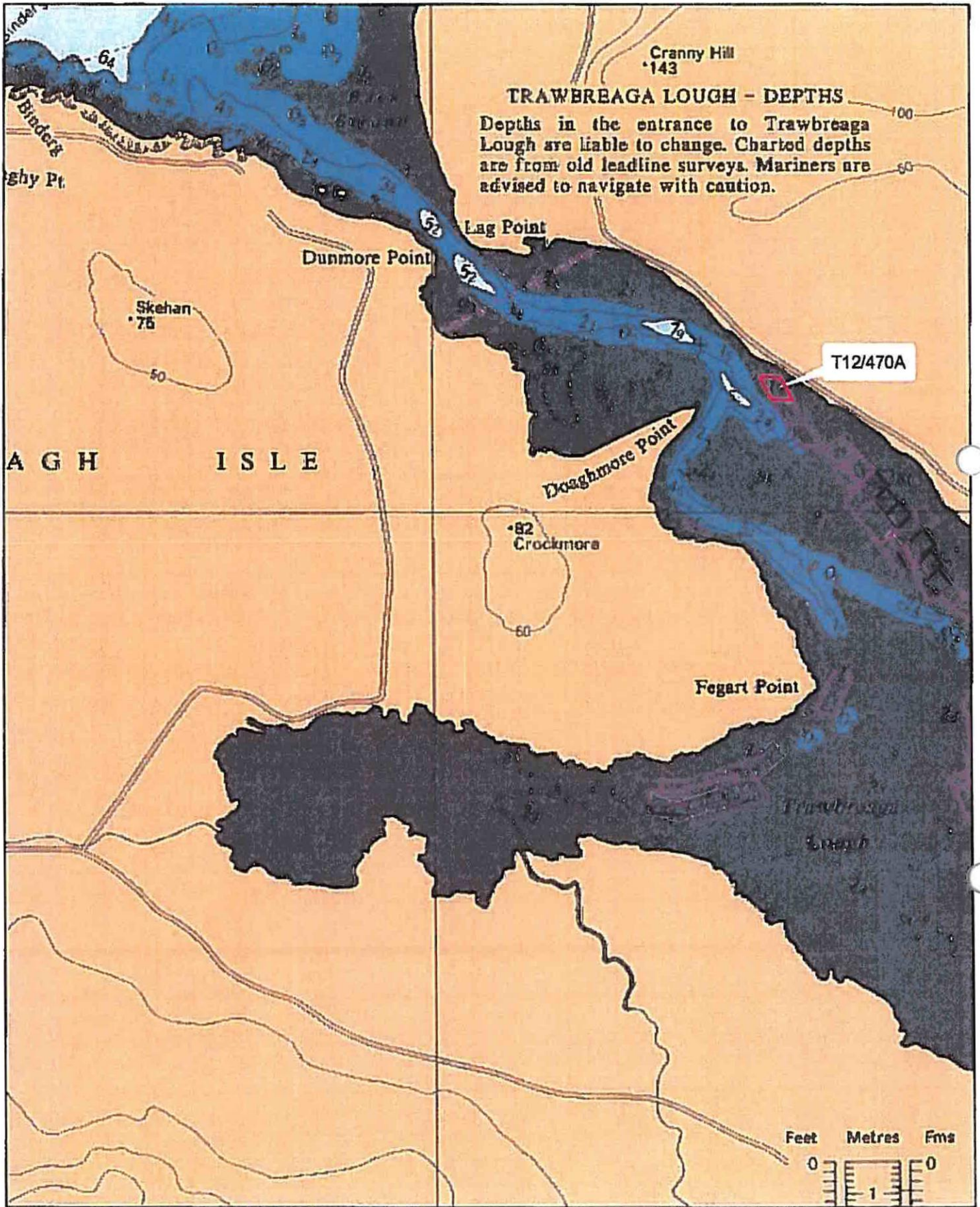
1:10,560

Site highlighted in red denotes application.

Ordnance Survey Ireland Licence No. EN 0076413
 © Ordnance Survey Ireland/Government of Ireland



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



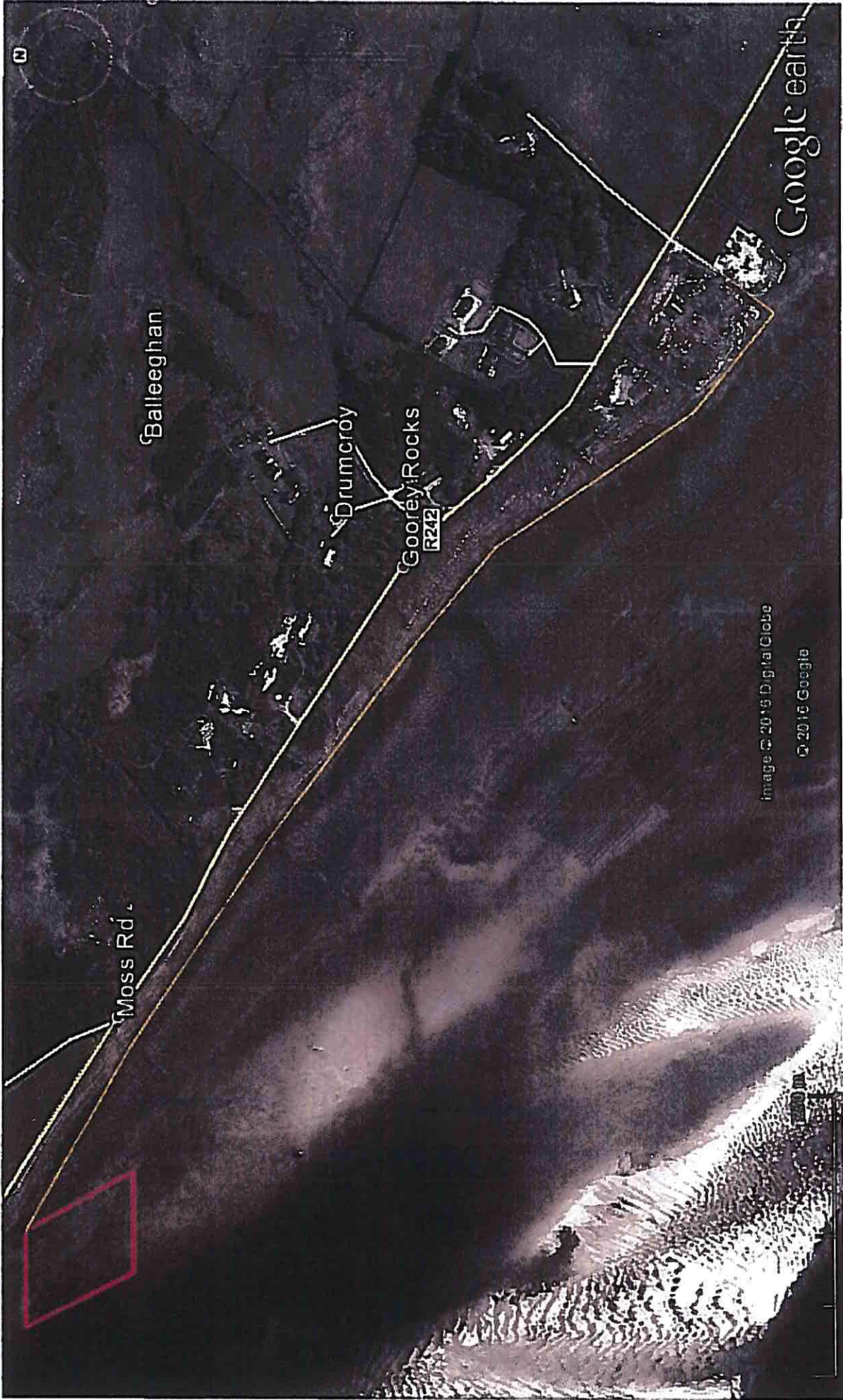
Aqua Culture Sites
 <all other values>

Site_Status	Application
[Red outline]	Application
[Dashed outline]	Lapsed
[Solid outline]	Licensed
[Thick solid outline]	Refused
[Thin solid outline]	Renewed
[Dotted outline]	Revoked
[Dotted outline]	Surrendered
[Dotted outline]	Withdrawn
[Dotted line]	100 Meter Reference Grid

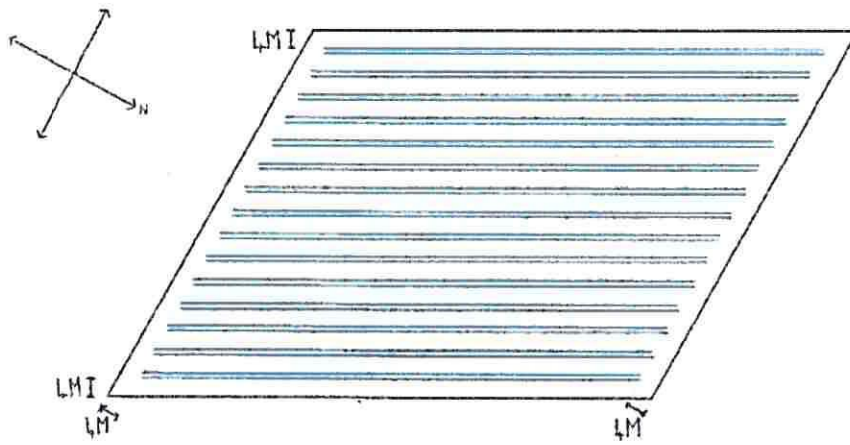
1:24,000
 Site highlighted in red denotes application.
 Part of Admiralty Chart No 2697-0
 Not to be used for Navigation



SITE APPLICATION - T12/470A - PROPOSED ACCESS (Existing Road)



T12-L70A - TRESTLE LAYOUT

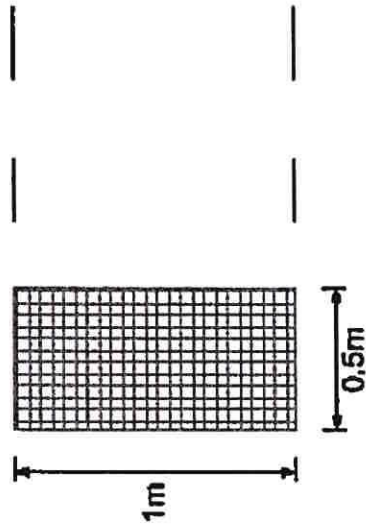
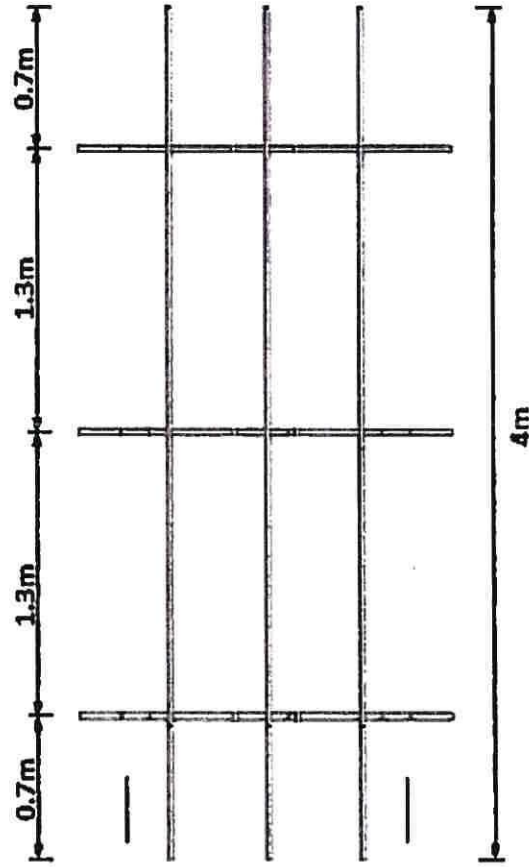
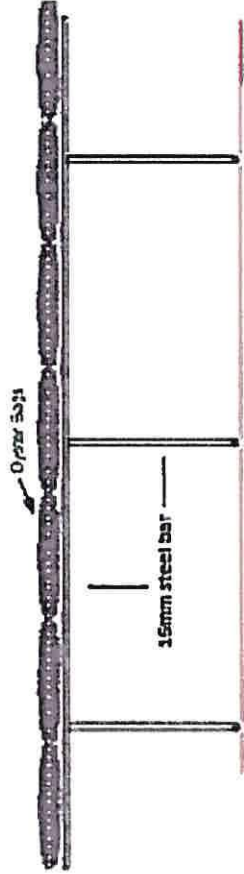
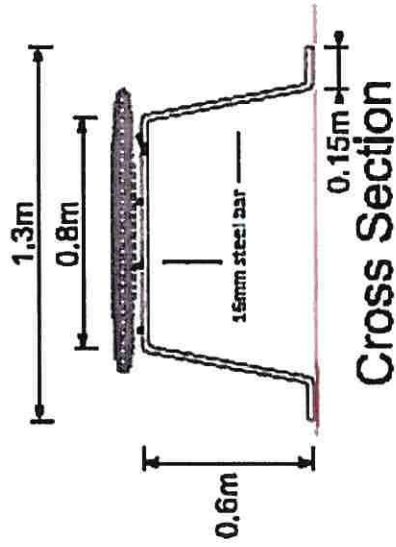


15 ROWS: 108M (27x LMI TRESTLES)
LM BETWEEN EACH ROW

SCALE 1:500



SITE APPLICATION - T12/470A - TYPICAL TRESTLE DETAIL



Typical Oyster Bag

Note: Each oyster bag should be secured to trestle

TYPICAL TRESTLE DETAIL

SITE APPLICATION – T12/470A – SPECIAL MARK BEACON (Please note: if Site application is successful, the Beacons will be placed as directed during Licensing Process)

