



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



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## 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:

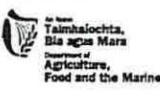
Reference Number	Name	Species	Bay	Decision
T12/395	John McKinney Harbour View Greencastle Co. Donegal	Pacific Oysters	Trawbreaga Bay, Co. Donegal	Grant Licence
T12/426	James Ball Carrowmore Malin Head Co. Donegal	Pacific Oysters	Trawbreaga Bay, Co. Donegal	Refuse Licence
T12/427A & T12/427B	Philip C Doherty Churchtown Carndonagh Co. Donegal	Pacific Oysters	Trawbreaga Bay, Co. Donegal	Grant Licence
T12/458A & T12/458B	Benedetta Cazzamali, c/o Cipollone, Ballinragonish Riverstick, Co. Cork	Pacific Oysters	Cruit Strand, Kinasslagh Bay Gweedora, 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/aquaculture/foreshoremanagement/aquaculturelicences/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](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 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](http://www.agriculture.gov.ie)  
 @agriculture\_ie



Planning Notices	Planning Notices	Planning Notices	Planning Notices	Planning Notices
<b>DONEGAL COUNTY COUNCIL</b> Moneen, St. Johnston, Co. Donegal L. Kenneth Vance an applicant to Donegal County Council for Planning Permission to Use 5 Number Estang 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 storing and temporary storage of recyclable curams 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 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.	<b>DONEGAL COUNTY COUNCIL</b> Shanaghan, Ardara, Co. Donegal Neil Gallagher is making an application to Donegal County Council for the development of land at Shanaghan, Ardara, Co. Donegal in the Townland of Shanaghan. The development consists of 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 during its public opening hours. Submissions or observations in relation to this development may be made to 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 payment of the prescribed fee, within the period of five weeks beginning on the date of receipt of the application by the Planning Authority.	<b>DONEGAL COUNTY COUNCIL</b> Lurganboy, Donegal Town, Co. Donegal Abbott Ireland intend to apply for permission for development at their existing Lurganboy Diabetes Centre at Lurganboy, 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 168 sq.m. housing extended sanitary facilities at the front, south west corner of the plant; d) Extension 4 New 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.	<b>DONEGAL COUNTY COUNCIL</b> Lurganboy, 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 17/56808, to be constructed on lands on a site bounded by the R 267 Regional Road to the south and the L 6675-1 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 Lurganboy Townland, 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 740 sq.m. ground floor and 740 sq.m. first floor in 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.	<b>DONEGAL COUNTY COUNCIL</b> Lurganboy, Donegal Town, Co. Donegal The SF Trust Ltd is applying to Donegal County Council for Planning Permission for the Retention of the Development at the Franciscan Friary, Carrigrohane, Rosnawlagh, Co. Donegal P54 P1C1. 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.
<b>DONEGAL COUNTY COUNCIL</b> Creggan, Ballybofey, Co. Donegal We, Steven O'Reilly & Sinead McGarry 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, Ballybofey, 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.	<b>DONEGAL COUNTY COUNCIL</b> Magheracrossan, Convey, Co. Donegal 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 Magheracrossan, Convey, Co. Donegal in the Townland of Magheracrossan. 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.	<b>DONEGAL COUNTY COUNCIL</b> Ballynane, Ballybofey, Co. Donegal 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 Ballynane, Ballybofey, 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.	<b>ANTIQUE'S &amp; COLLECTABLES</b> VINTAGE FAIR, Sunday 18th Nov at the Clayton Hotel Sigo. 60+ tables of quality items at prices to suit all budgets. 11am-6pm 3.50/2.50	<b>Farm Machinery &amp; Equipment</b> WANTED! TRACTORS, Diggers & Telehandlers in all conditions - All Makes and Models for Exporting and Breaking For Parts. Nationwide Collection. Tel UK 00447818452257 RCJ 066 278 0014 www.webuytractorsanddiggers.com trisicktractors@hotmail.com
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Department of  
**Agriculture,  
Food and the Marine**  
An Roinn  
**Talmhaíochta,  
Bia agus Mara**

6<sup>th</sup> October, 2017

Ref: T12/471

**Marjorie Doherty  
Slievebawn  
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 Ms Doherty

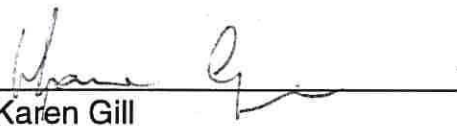
I would like to inform you that the Minister For Agriculture, Food and the Marine has refused your application for an Aquaculture Licence(s) and Foreshore Licence(s), for the cultivation of Pacific Oysters using bags and trestles on site No. T12/471A (See attached information note). I enclose an extract 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/>

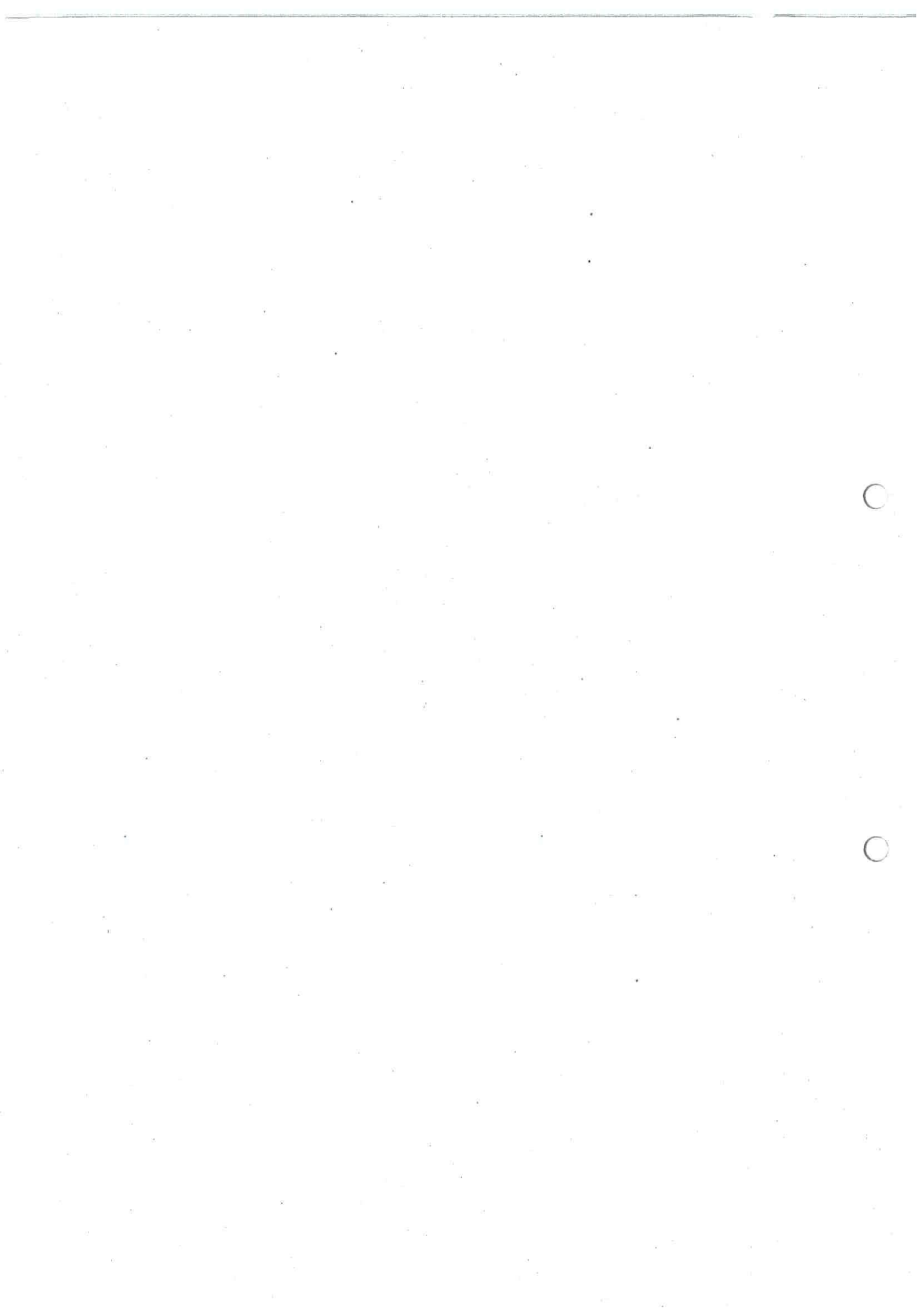
Yours sincerely



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

Phone: 023 8859586

Email: Karen.gill@agriculture.gov.ie





**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:** T12/471

**APPLICANT:** Marjorie Doherty

**AQUACULTURE TO WHICH  
DECISION RELATES:** Cultivation of Pacific Oysters using bags and  
trestles on site T12/471A on the foreshore in  
Trawbreaga Bay, Co Donegal.

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

**DATE OF DECISION:** 3<sup>rd</sup> November 2017

**REASON FOR REFUSAL:**

*-Landscape Impact: Due to 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. In particular, from critical viewpoints there is likely to be substantial landscape impact significance from the proposed site;*

*-Visual Impact: there are likely to be substantial visual impacts on views as perceived by visitors on the R242.*



### 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 Marjorie Doherty, Slievebawn, Malin Head, Co. Donegal, REF: T12/471 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.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
	John McKinney			



## 00218-17: Recommendation to Refuse an Aquaculture and Foreshore Licences for 1 site (T12/471)

<b>To:</b> Minister	<b>Author:</b> Karen Gill
<b>Status:</b> Completed	<b>Owner:</b> Gill, Karen
<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.

### Seen and Approved

### Date Signed

### Action Required

Ministerial Determination on Aquaculture/Foreshore Licensing Application (T12/471)

### Executive Summary

The Minister's determination is requested in relation to an application of an Aquaculture Licence from Marjorie Doherty, Slievebawn, Malin Head, Co. Donegal. The application is for the cultivation of Pacific Oysters using bags and trestles on Site T12/471A, totalling 1.268 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 09:53:47) Ann Smith: Approved for submission to Minister.
- (01/11/2017 09:44:57) 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 13:28:58) John Quinlan: Refusal is recommended please for the reasons set out in the detailed submission.
- (24/10/2017 17:38:49) Batt Whelton: I agree with the recommendation that this this application be refused as the proposed oyster farm is likely to cause moderate to substantial visual impacts on views from the locally important tourist road - R242 route
- (24/10/2017 17:27:47) Gerry Foley: Aquaculture and Foreshore licence applications recommended for refusal by the Minister for the reasons outlined in the submission above.

### Detailed Information



## **Recommendation to Refuse to grant an Aquaculture Licence Application (T12/471)**

### **DECISION SOUGHT**

The Minister's determination is requested please in relation to an application for an Aquaculture Licence from Marjorie Doherty, Slievebawn, Malin Head, 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 1.268 hectare site on the foreshore in Trawbreaga Bay, Co. Donegal (numbered T12/471A – 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 the application not be licensed for the following three reasons:

Maintaining 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 (covered under separate heading below).

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

Sea Fisheries Protection Authority: Can see 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.

IFI: Proposal does not appear to have any significant implications for the operation of commercial/recreational salmon and other inshore fisheries.

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

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

Donegal County Council: 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 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 the 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.*

The Department of Culture, Heritage and the Gaeltacht Affairs (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 15th 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 T12/471A (See **TAB**



A). The report considered the landscape and visual impact of 11 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 short distance and directly overlooking 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 471. 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 addressed under LVIA above*

-The particular statutory status of the waters

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).*

#### 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. 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 Determination tabbed).*

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

#### **RECOMMENDATION**

It is recommended that the Minister:

Refuses to grant an Aquaculture Licence to Marjorie Doherty, Slievebawn, Malin Head, Co. Donegal, for one site (ref. T12/471A) 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 moderate to substantial significance would arise in the case of 6 development proposals, including site T12/471A.

#### **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 –T12/471

*Marjorie Doherty has applied for permission to cultivate Pacific Oysters using bags and trestles on the inter-tidal foreshore on a 1.268 ha site (T12/471A) 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 should not give rise to substantial landscape scale impacts, wider area development, involving most of the new aquaculture sites applied for in this area, including T12/471A, would give rise to landscape impact of substantial significance.*

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

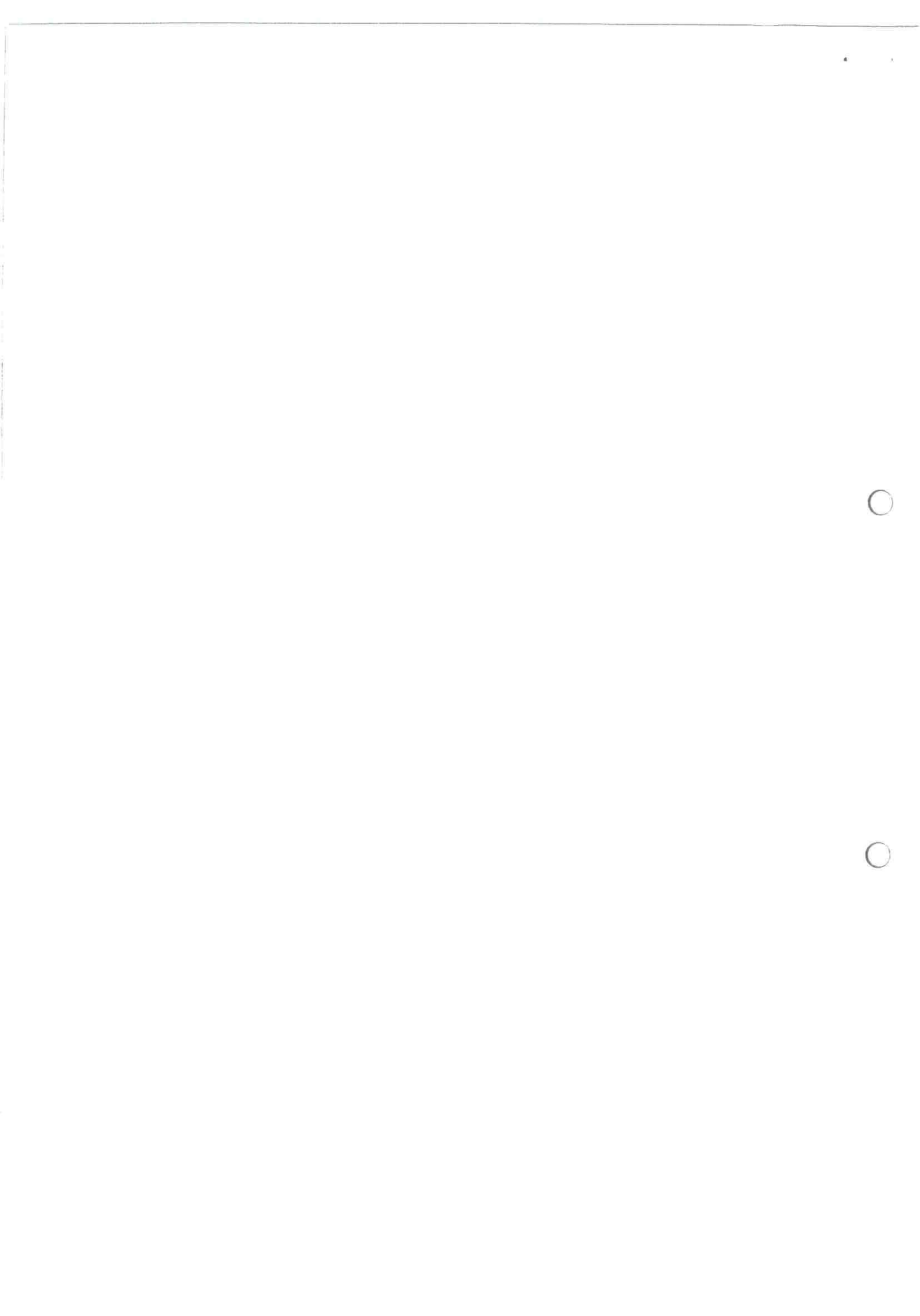
Submitted

Karen Gill

Aquaculture and Foreshore Management Division

**Recommendation to refuse to grant a Foreshore Licence application (T12/471)**

The Minister's determination is requested please in relation to the application for a Foreshore Licence from Marjorie Doherty, Slievebawn, 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 1.268 hectare site (numbered T12/471A – 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: Had no objection on technical grounds.

### **Technical Consultation**

Marine Engineering Division (MED): Recommended that the application not be licensed for the following three reasons:

Maintaining 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 15<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 Marjorie Doherty, Slievebawn, Malin Head, Co. Donegal, for a site in Trawbreaga Bay.

Submitted.



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

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

## Action Logs

- **Created:** 24/10/2017 14:41:26: Submission created by Karen Gill
  - **Sent For Review:** 24/10/2017 15:05:40: Submission sent to Gerry Foley for review by Karen Gill
  - **Sent For Review:** 24/10/2017 17:28:53: Submission sent to Batt Whelton for review by Gerry Foley
  - **Sent For Review:** 24/10/2017 17:39:45: Submission sent to John Quinlan for review by Batt Whelton
  - **Sent For Review:** 31/10/2017 13:29:25: Submission sent to Cecil Beamish for review by John Quinlan
  - **Sent to the Secretary General:** 01/11/2017 09:45:14: Submission sent to Secretary General for review by Cecil Beamish
  - **Sent to the Minister:** 01/11/2017 09:53:47: 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 16:52:35: 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.
-





**Ministerial Determination in relation to EIS requirements for an  
Aquaculture Licence application for the cultivation of shellfish by  
Marjorie Doherty (T12/471) 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 Licence application to culture shellfish, on 1 site, is likely to have significant effects on the environment and would require the submission of an Environmental Impact Statement (EIS).

I have considered the proposed 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 with particular reference to:

- a) the nature and scale of the proposed aquaculture activity - the development (1 site total area 1.26 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 proposed aquaculture activity per the Donegal County Development Plan
- d) the low population density of the surrounding area
- e) The site has some limited visibility from the R242 public road. Overall landscape and visual impact of the proposed development is expected to be of moderate significance. Cumulative landscape and visual impact of the development with its neighbours will be substantial.
- 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) consideration of the risk posed to boat navigation by this development (single site and cumulatively with other nearby application sites) will be required prior to a licensing decision
- 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:** 4<sup>th</sup> April 2017

**EIA SCREENING ASSESSMENT T12/471**

**1. Applicant Details**

Name  
Address

Marjorie Doherty  
Slievebawn  
Malin Head  
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  
Bags & trestles culture  
Yes  
No  
French Hatcheries

- 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 *C. gigas*.  
Year 1 0 tonnes  
Year 2 0 tonnes  
Year 3 12 tonnes  
Year 4 15 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

T12/471  
1 site T12/471  
Trawbreaga Bay  
1.26 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

Yes. Donegal County Development Plan

- If yes, identify relevant sections
- If yes, period covered

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 industry in the county and its potential in terms of employment and product export.  
2012-2018

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

No	
No	

<b>T12/471</b>		
<b>EIA SCREENING CHECKLIST</b>		
Is it an ANNEX II project?	<b>YES</b>	
Is the project located on or adjacent to a Natura 2000 area?	<b>Yes The project is located within North Inishowen Coast SAC (Site Code 002012) and Trawbreaga Bay SPA (Site Code 004034)</b>	
If yes, has the appropriate assessment been carried out?	<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>		
Will the project be out of scale with the existing environment?	No. The development 1.26 ha, 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>(b) Cumulation with other development</b>		
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 cumulative navigational, visual and benthic impacts.	Yes. The impact on the benthos will be localised and limited to the area directly beneath the trestles. The impact on navigation will require assessment and possibly mitigation by appropriate navigational marking/site area reduction or other measures – to be determined. Cumulative negative visual impact of development of site 471A and its

		neighbours is anticipated to be substantial. 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?	No.	
<b>T12/471</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>(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?	No.	
<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>		
Will the project produce wastes during installation or operation or decommissioning? <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> </ul>	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.	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

<ul style="list-style-type: none"> <li>any other solid wastes?</li> <li>liquid or solid wastes in suspension?</li> </ul>		damaged old bags, trestles or other material into the sea or on the foreshore will not be permitted.
<b>T12/471</b>		
<b>2. 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>(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>	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.
<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>	Yes. There will be noise associated with husbandry and harvesting of shellfish from tractor and other noise.	No. Noise levels will not be significant.
<b>(f) Risk of accidents, having regard in particular to substances or technologies used</b>		
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.
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.	





<ul style="list-style-type: none"> <li>• loss of native species or genetic diversity?</li> <li>any other changes?</li> </ul>	not apply to the production of <i>C. Gigas</i> .	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.
<b>(h) Inherent social changes</b>		
Will the project result in social changes, for example, in demography, traditional lifestyles, employment?	It is anticipated that job opportunities will result from this project.	No. The impact will be locally beneficial but not significant
<b>T12/471</b>		
<b>2. LOCATION OF THE PROJECT - ANNEX III (2)</b>	<b>Yes/No - Briefly describe</b>	<b>Is this likely to result in a significant effect? Yes/No? - Why</b>
<b>(a) Existing land use</b>		
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?	No. Terrestrial land use will not be affected and there is no spatial overlap with other users of the inter-tidal foreshore.	
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. There is other shellfish production in the bay.	
<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> </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

• tourism		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?	<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>
<b>T12/471</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 other areas on or around the location which are important or sensitive for reasons of their ecology? <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>	Yes. The wetland habitat contained within Trawbreaga SPA is identified to be of conservation interest for the regularly occurring migratory waterbirds that utilise it	No. This application will not cause any change in the permanent area occupied by the wetland habitat.
Are there any areas on or around the location which are used by protected, important or	Yes. This site is located in Trawbreaga SPA	No.

<p>sensitive species of fauna or flora e.g. for breeding, nesting, foraging, resting, overwintering, migration, which could be affected?</p>	<p>(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>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 could be affected?</p>	<p>No.</p>	
<p>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</p>	<p>No. Public access to recreational and other activities will not be impacted by the project.</p>	

affected?		
<b>T12/471</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 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. The site is visible from public road R242. Visual impact of development for visitor users of that road is anticipated to be in moderate to substantial range Cumulative landscape and visual impact of the development with its neighbours will be substantial.	
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 consideration of the substantial visual impact that would arise in this case and of the risk posed to boat navigation by this development (single site and cumulatively with other nearby application sites) 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 15/3/17 <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**

<p><b>For Office Use</b></p> <p>Application Ref. No. <u>T12/471</u></p> <p>Date of Receipt (Dept. Stamp):</p> 
--

<b>Type of Applicant (tick one)</b>	
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) <u>Margorie Bohery</u>
1. Address: <u>SLIEVEBAWN MALIN HEAD CO DOWRIS</u>
2. Address:
3. Address:
4. Address:

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

**PART 1: PRELIMINARY DETAILS**

**TYPE OF APPLICATION** – please indicate relevant type of application  
 This Application Form is valid for each type of application - *See Guidance Note 3.1*

(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: Trawbleaga Bay
- (ii) County: Donegal
- (iii) OS Map No: 207.
- (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.] - IRISH GRID.  
244037E, 4115N, 244134E, 45115N,  
244195E, 45100N, 244096E.
- (v) Size of Site (hectares): One.

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

Gigors - non-native.

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

Intertidal.

(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 France +  
Gurnsey.

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)

Bags + Trestles.

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

300 Trestles / 2500 Bags.

(xi) Proposed Production Tonnage:

Year 1	Year 2	Year 3	Year 4	Year 5
<u>0</u>	<u>0</u>	<u>125t</u>	<u>15t</u>	<u>15t.</u>

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

Good access + Good  
growing waters.

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

GOOD Hard ground.

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

YES For 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.

Please see attached map.

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? If yes please give full details.

Yes  No

No.

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

Hand harvest

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

None

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

none

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

none.

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 ✓
5. If the applicant is a Co-operative, the Certificate of Incorporation and Rules of the Co-operative Society ✓
6. Environmental Impact Statement (if required) in certain cases- See Guidance Notes Section 3.3.1 ✓
7. Alien Species dossier ( where required) – See Guidance Notes Section 3.3.1 ✓

**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:

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(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:

One Full Time and  
one Part Time as  
Business expands.

**FULLTIME JOBS**

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

**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:

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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 € 94-23- with this application.

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

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Date: 2-9-13

**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 T12/471A (1.2684 Ha)**

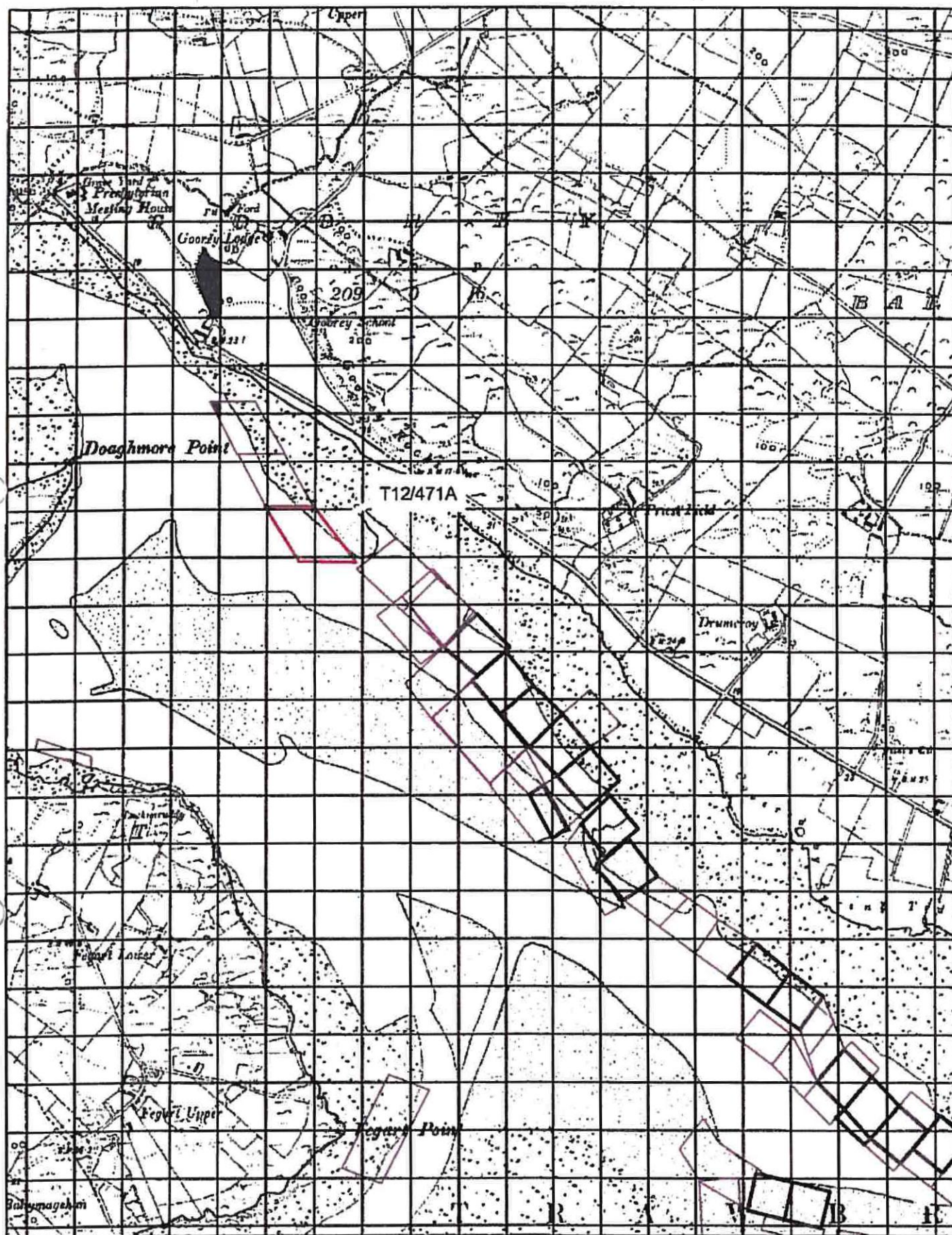
The area seaward of the high water mark and enclosed by a line drawn from Irish National Grid Reference point

244166, 450890 to Irish National Grid Reference point

244094, 451005 to Irish National Grid Reference point

244196, 451004 to Irish National Grid Reference point

244286, 450889 to the first mentioned point.



**Aqua Culture Sites**

<all other values>

**Site\_Status**

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

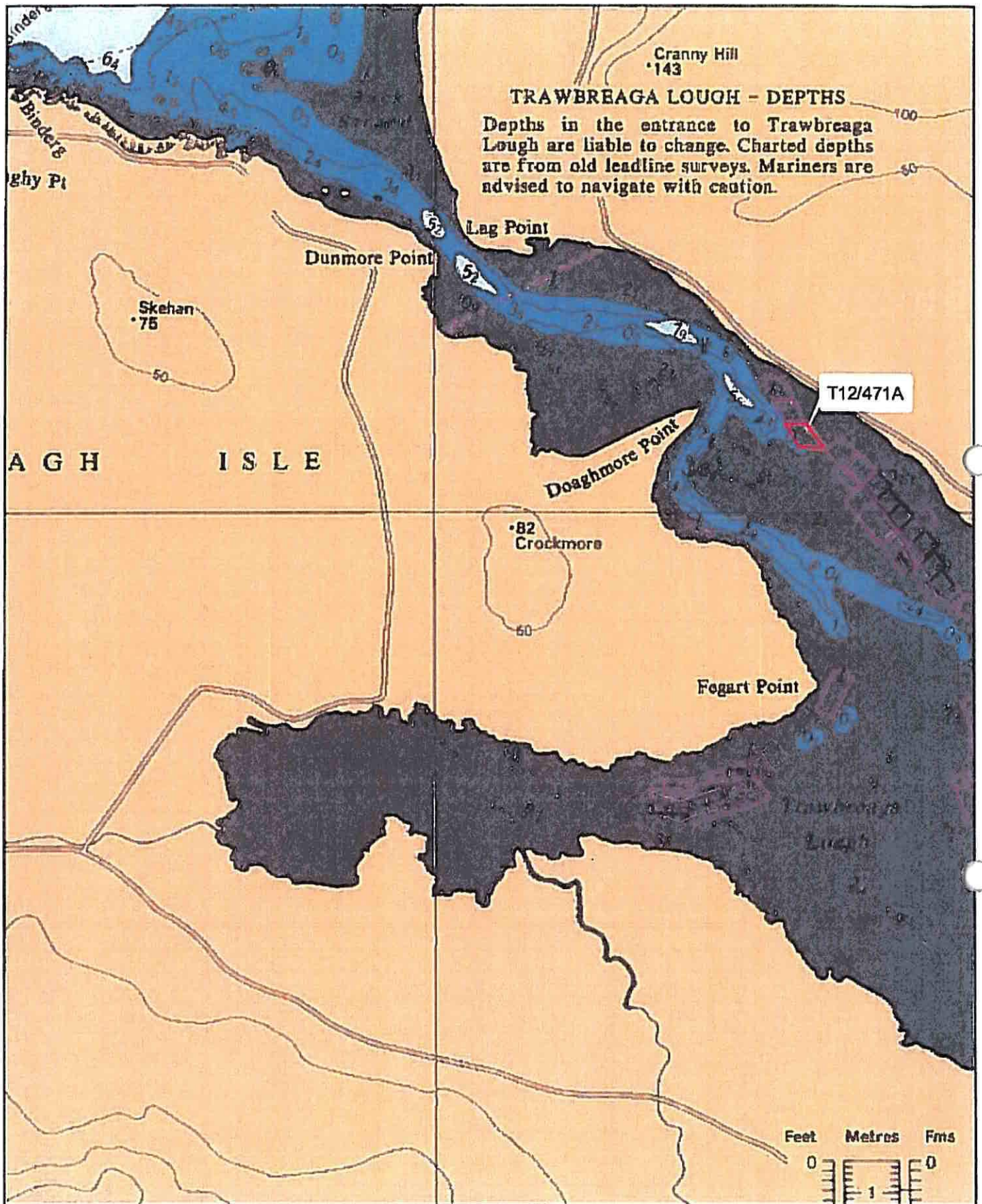
**1:10,560**

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 tAire  
**Talmhaíochta,  
 Bia agus Mara**



**Aqua Culture Sites**

<all other values>

Site_Status	Application
	Application
	Lapsed
	Licensed
	Refused
	Renewal
	Revoked
	Summdered
	Withdrawn
	100 Meter Reference Grid

1:24,000

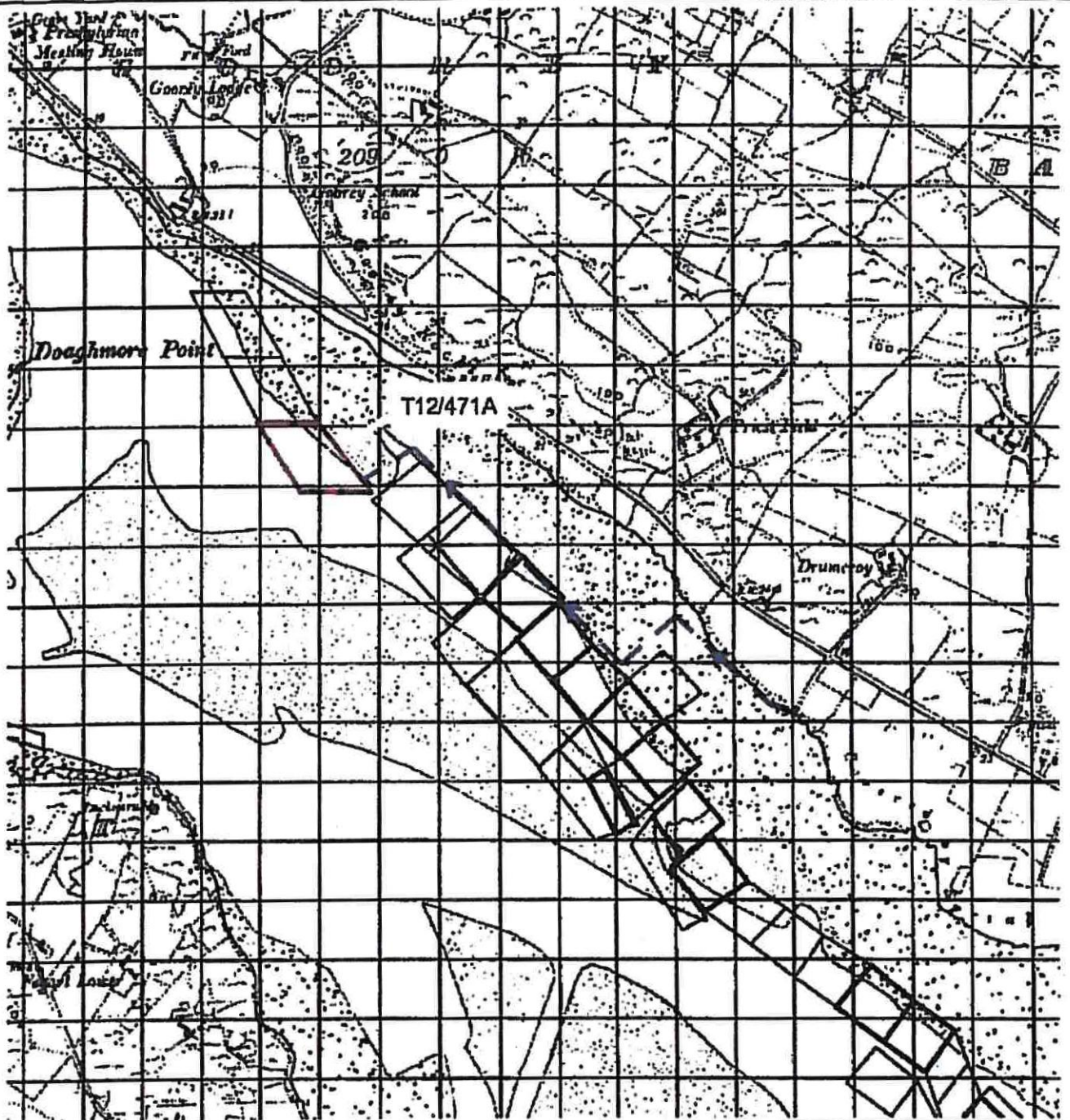
Site highlighted in red denotes application.

Part of Admiralty Chart No 2697-0  
 Not to be used for Navigation



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





# Access Route Map

## Scale: 1/10,000

### Aquaculture Licence Application

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DRAWN

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 Knader Rd  
 Ballyshannon  
 Co. Donegal

J Martin McLoughlin B.ENG(Hons), C.ENG, M.I.E.E.  
 Mobile: (086) 2217173  
 Email: info@octoberhouse.org

No responsibility is to be held from this drawing or description to be  
 attributed to the company or other any errors or omissions to be  
 reported to the engineer in charge



#### TITLE

Proposed Access Route to Site  
 T12/471 on behalf of Marjorie  
 Doherty.

#### DRAWING

Proposed Access Route

SCALE

1/10,000

O.S. REF.

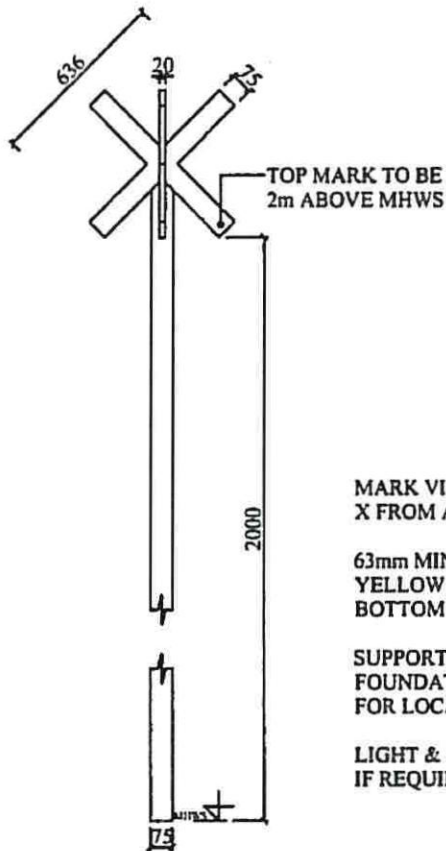
DWG. NO.

REV.

DATE

Aug 2016

03



**Plan:**  
**Special Mark Beacon**

MARK VISIBLE AS YELLOW  
X FROM ALL DIRECTIONS.

63mm MIN DIAMETER POLE -  
YELLOW FOR 2 METERS BELOW  
BOTTOM OF CROSS.

SUPPORT STRUCTURE &  
FOUNDATION SUITABLE  
FOR LOCATION.

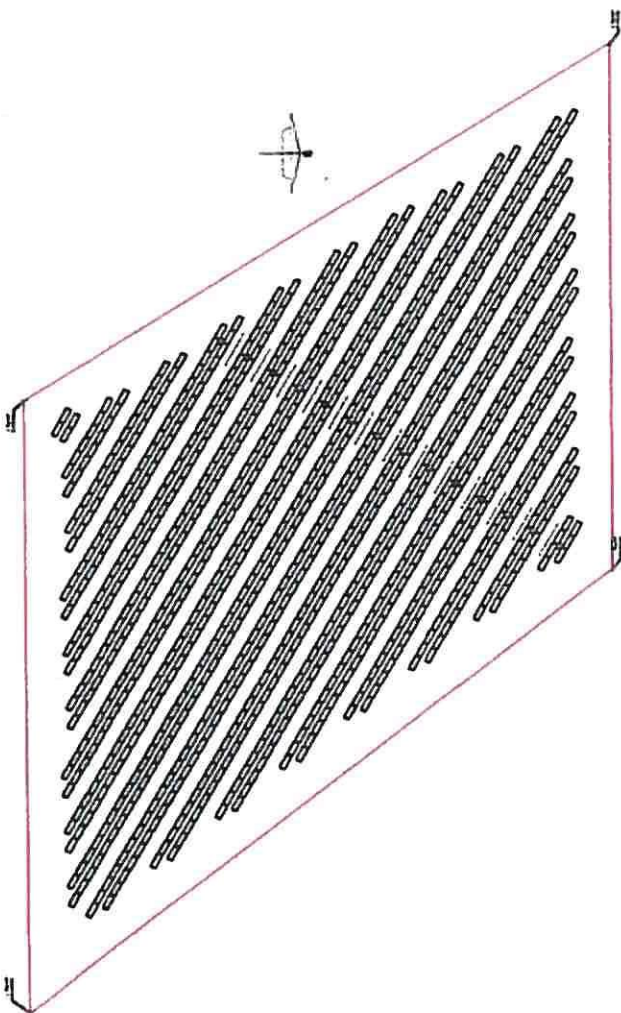
LIGHT & RADAR REFLECTOR  
IF REQUIRED.

**Elevation:**  
**Special Mark Beacon**

**Special Mark Beacon Detail**  
**Fig. 2**

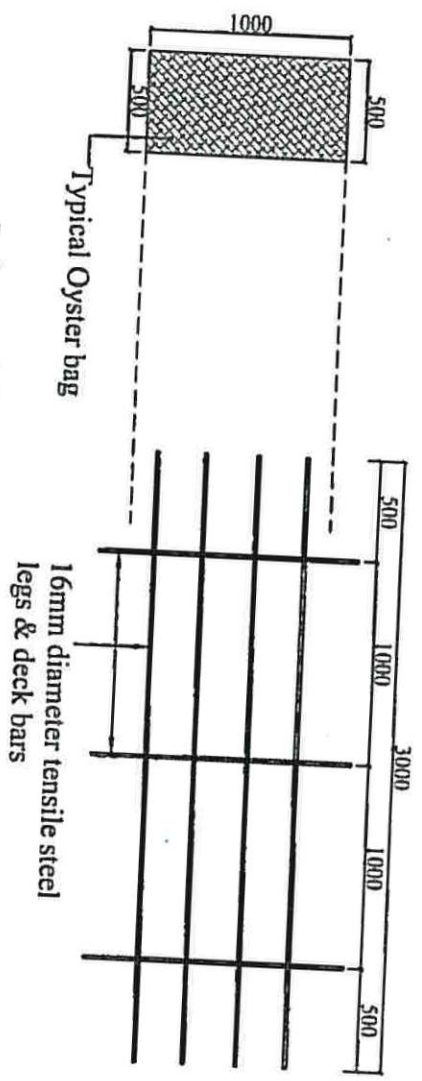
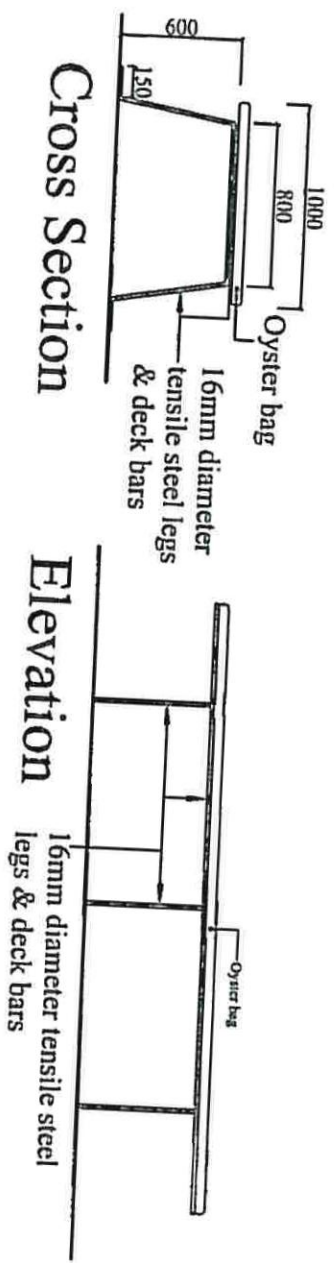
Scale: 1/25

<b>Aquaculture Licence Application</b>			
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© Ordnance Survey Ireland, Government of Ireland			
<b>DRAWN</b>		<b>CHECKED</b>	
© COPYRIGHT OF October House Design Ltd. The Mullins Knader Rd Ballyshannon Co. Donegal			
J.Martin McLaughlin B.ENG(Hons), C.ENG, M.I.E.I. Mobile: (086) 2217173 Email: info@octoberhouse.org			
No allowance to be made from this drawing all dimensions to be checked by the contractor and any errors or discrepancies to be reported to the engineer in charge.			
			
<b>TITLE</b> Trestle & Special Mark Beacon Detail For Site T12/471 on behalf of Marjorie Doherty.			
<b>DRAWING</b> Trestle & Special Mark Beacon Detail			
<b>SCALE</b>	1/25	<b>D.S. REF.</b>	<b>DRG NO.</b>
<b>DATE</b>	Aug 2016		04



Proposed Trestle Layout Scale: 1/1000

<b>Aquaculture Licence Application</b> Oideas Éireann / Ideas Ireland / The Aquaculture Oideas Éireann / Ideas Ireland / Government of Ireland	
<b>DATE</b> 10/10/10	<b>PROJECT</b> Trestle Layout For Site T12/A71 on behalf of Marjorie Doherty.
<b>CLIENT</b> Marjorie Doherty	
<b>DESIGNER</b> October House Design Ltd, The Mallins Kander Rd Ballyshannon Co. Donegal Phone: +353 (0)71 91 82 000 Email: info@octoberhouse.com www.octoberhouse.com	
<b>SCALE</b> Typical Trestle Layout 1:1000	
<b>DATE</b> 10/10/10	<b>SCALE</b> 1:1000
<b>DATE</b> 10/10/10	<b>SCALE</b> 1:1000




Plan (Oyster bags not shown for clarity)

# Typical Trestle Detail

Fig. 1

Scale: 1/25

<b>Agri-culture Licence Application</b> O'Donnell Energy Limited (Licence No. A00016416) O'Donnell Energy Limited, Department of Public	
<b>DATE</b> 01/08/2017	<b>PROJECT</b> Trestle & Special Mark Beacon Detail For Site T12/471 on behalf of Margerie Delivery.
<b>DESIGNER</b> October House Design Ltd, The Mullins Knader Rd Ballyshannon Co. Donegal Donegal, Ireland (CP04 3411) Tel: 028 7231117 Email: info@octoberhouse.com	
<b>SCALE</b> Trestle & Special Mark Beacon Detail	<b>DATE</b> 01/08/2017