



AP 10/1/2018 Loughros Beg

Section 45(1) Observations

Sheila McFerran

received 5 October 2018



Loughros Point
Ardara
Co Donegal
F94 RX22

The Aquaculture Licences Appeals Board,
Kilminchy Court,
Dublin Road,
Portlaoise,
Co Laois.



Thurs., 4 October 2018

Dear Sirs

Re : AP10/1/2018 - Appeal against the decision not to grant a licence T12/431 submitted by Charlie Mc Hugh & Vincent McGavigan at Crumlin, Loughros Beg, Ardara, Co Donegal

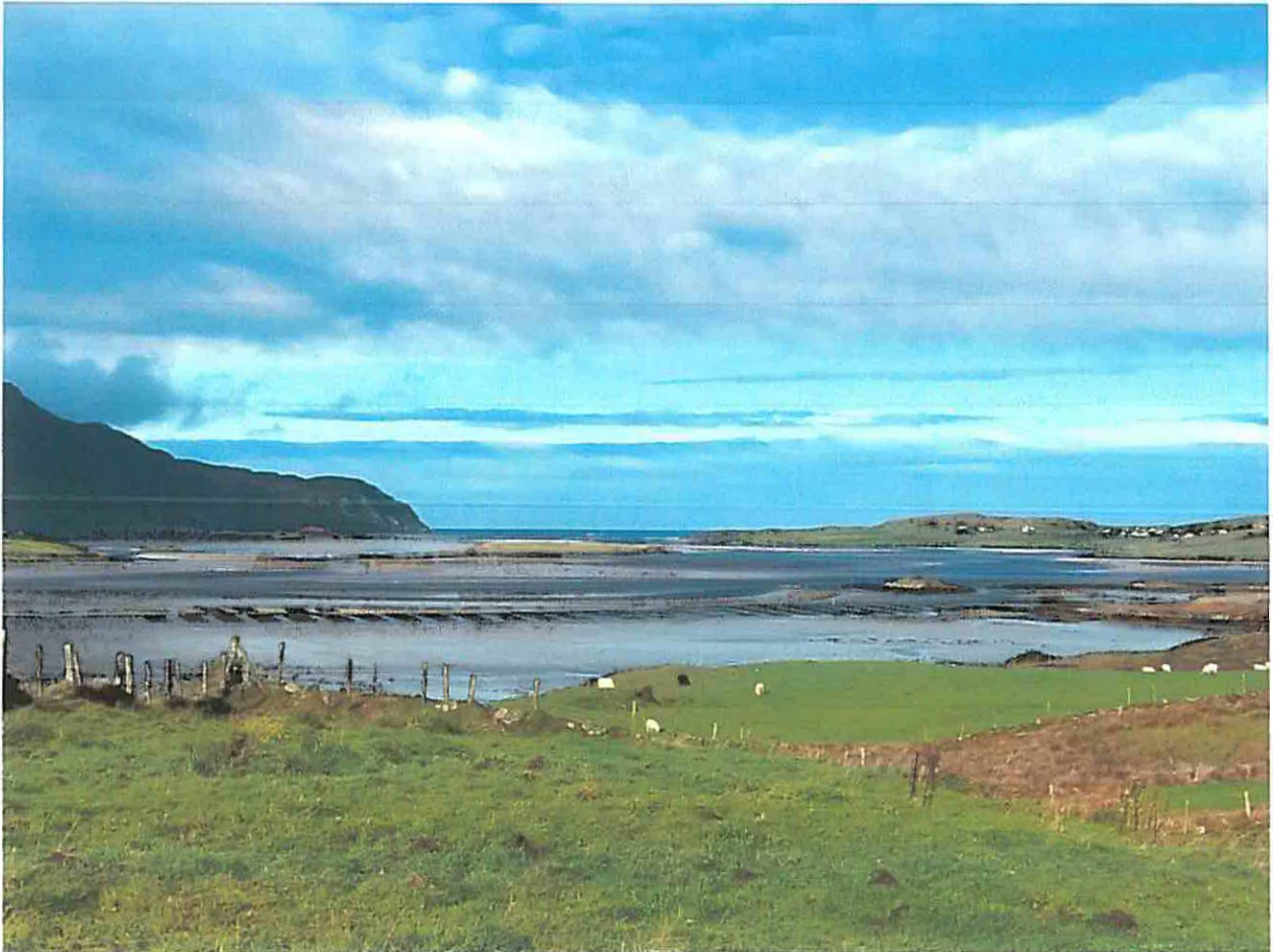
(NB we assume 'McGavigan' is a spelling error?)

We have already submitted an Appeal against the granting of a Licence for a new Oyster Farm in Loughros Beg, Co Donegal - T12/498 by Barry McGuinness, Killybegs.

That Appeal document comments on the seven current applications in Loughros Beg by considering the Bay as a whole. This we believe, is the only way to assess these applications in the Lough.

We would ask that you review that document in relation to our comments on this Appeal from the Applicant to overturn the decision of the DAFM (T12/431). We have set out our comments in support of the 'decision not to grant the licence' as follows:

In relation to this Appeal against the Ministry's 'decision not to grant' we would draw your attention to the following points -



1 The Applicant has already erected trestles and has been using part of the area which is the subject of this Appeal for oyster farming for a considerable length of time clearly contravening the notice on the front page of the Application Form. The photograph above clearly illustrates this.

The view is looking west from the Crumlin Road with SlieveTooey on the left, Sand Island in the centre and Loughros Point on the right. It can be seen that the oyster trestles extend from InishFallen Island south towards Laconnell.

3 The Applicant states that he has applied for planning permission to erect a building on the Ballyganny/Shanaghan Lane, which we assume is for sorting/processing/packing oysters, but we don't know, because he does not provide the information.

It is our understanding that the Planning application has not been granted and is out of time.

If this Aquaculture Application is granted, along with the consequential commercial traffic, it would have a very detrimental effect on the ability of the 14 families living in Ballyganny/Shanaghan and the local people and tourists visiting the 'cockle beach' to peacefully enjoy the amenities of this beautiful beach and Lough.



4 As mentioned in our main submission, one of the major problems to consider in assessing the suitability of Loughros Beg as an area for aquaculture is the dynamic nature of the Lough.

With every tide and every storm In Loughros Beg, the sands and currents are constantly changing.

Firstly, this affects the actual route of the flow of the Channel.

Secondly, it also affects the levels of the sand deposited with every tide.

The oyster farmers themselves have commented on this phenomenon and have used it to justify moving their trestles around and outside their licensed area. This is obviously not permitted without the Licencee referring back to the Department for a new permission - another breach.

It also shows that the Lough is not stable and is not suitable for oyster cultivation.

5 The Applicant argues that the area surrounding the proposed site is low-lying and of little landscape value.

It is not - it is in fact surrounded by high hills - Crumlin to the East and the mountain range from Laconnell to SlieveTooey.

The site is also clearly visible from the two public roads in the area - Loughros Point Road to the north and the Maghera Road to the south.



View of new trestles on the site of this Appeal. The view is from the Loughros Point Rad to the north of the site

6 The fact that the whole of Loughros Beg Bay, all of its shoreline and its northern hinterland is included in a SAC must count for something. Also the western end of the Ballyganny Lane and its boundaries on either side of the lane are included in this SAC.



Western 200M length of Ballyganny Lane which is included in the SlieveTooley SAC

We did not object to the existing small oyster farm at Laconnell, which is tucked into the quiet eastern corner of the Lough at the estuary of the river Bracky. However the the two Applications for extensions, recently approved, would increase the existing oyster farm from 3.876 Ha to 16.8 Ha, almost 5 times the size of the existing licensed oyster farm.

It is obvious that the two applications for extensions, which have been submitted are for areas that the Applicant has already extended into without permission. We thought we would not object to these extensions in the in the hope that the Applicant might be satisfied with a fivefold increase in his area of oyster cultivation. He told the local community, at a public meeting, that the Applications for new licences were only being submitted by him to prevent the French from applying. We fail to understand therefore why he would appeal against the 'decisions not to grant' in this case.



View shows the existing oyster farm on the left (south) and the subject site with trestles on the right (north).

If this Appeal is allowed the area of licensed oyster farming will increase from 3.876 Ha (9.6 acres) to 27.2 Ha (67.2 acres) and the character of the Lough along with the townlands of Crumlin and Ballyganny will change forever.

We hope that the oyster cultivation can be successfully contained in the eastern corner of the Lough where it would not impinge so much on the beauty and majesty of the SlieveTooley SAC.

The rush to obtain Oyster farm licences all over Donegal could potentially amount to the industrialisation of every hard sand estuary in Donegal.

It will not contribute positively to the ecosystems or to the image of the "Wild Atlantic Way." It is so pointless from an "overall " perspective and very sad that these things seem to come down to jobs versus the environment, when the small jobs gain would probably be outweighed by jobs lost/forgone through environmental degradation.

Again we have had very little time to respond and we hope you will bear that in mind when reviewing this Determination and all information we have sent you.

Yours faithfully, Sheila Mc Ferran