

Kelleher, Sheila

Subject: FW: Applications for Aquaculture Licences in Mulroy Bay, Co.Donegal

From: Murphy, Mike [mailto:Mike.Murphy@bim.ie]
Sent: 11 June 2018 17:37
To: Maher, EileenM
Subject: RE: Applications for Aquaculture Licences in Mulroy Bay, Co.Donegal

Dear Eileen,

Ref;- Applications and Renewals in Mulroy Bay, Co. Donegal, x 20;- T12/203A; T12/203B; T12/203C; T12/203D; T12/203E; T12/203F; T12/203G; T12/203H; 12/203J; T12/203K; T12/203L1; T12/203L2; T12/203L3;T12/203L4; T12/387A; T12/387B; T12/387C; T12/387D; T12/387E; T12/387F; T12/387G1; T12/387G2; T12/387G3; T12/281B; T12/400.

Following internal consultation within the Seafood Technical Services Business Unit, BIM, which includes aquaculture and inshore fisheries, BIM are satisfied that the proposed operations do not conflict with any other aquaculture or inshore fisheries interests in the area.

We have no objection to these applications.

Regards,
Mike

From: Maher, EileenM [mailto:EileenM.Maher@agriculture.gov.ie]
Sent: 30 April 2018 11:55
To: 'naturalenvironment@antaisce.org'; O'Carroll, Terence; Murphy, Mike; 'harry.duggan@irishlights.ie'; 'fem.dau@ahg.gov.ie'; 'fem.Dau@chg.gov.ie'; 'foreshore@housing.gov.ie'; 'planning@failteireland.ie'; 'mary.larkin@fisheriesireland.ie'; 'Terry McMahan'; 'danny.obrien@housing.gov.ie'; 'foh@udaras.ie'; 'planning@donegalcoco.ie'; 'cathal.sweeney@donegalcoco.ie'; Dallaghan, Ben
Cc: Kelleher Sheila; Foley, Gerry
Subject: Applications for Aquaculture Licences in Mulroy Bay, Co.Donegal

Colleagues,

In accordance with Section 10 of the Aquaculture (Licence Application) Regulations, 1998 (SI No. 236 of 1998), you are hereby notified that this Department has received aquaculture licence applications from those on the attached table for permission to carry out aquaculture activities on 25 sites (see attached table for details) in Mulroy Bay, Co.Donegal.

Details of the applications and all other relevant documentation may be viewed on the Department's website at:

<https://www.agriculture.gov.ie/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshorelicenceapplications/donegal/>

I would be grateful for any observations you wish to make on the above proposal which must be submitted **within six weeks** from the date of notification. As this correspondence is being sent by e-mail, the date of the e-mail is treated as the date of notification. In the event that objections/comments are submitted by you, the applicant will be given an opportunity to comment thereon.

Kind Regards,



Eileen Maher
Aquaculture and Foreshore Management Division

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

Rannán Riaracháin an Iascaigh Mhara, An Cloichín, Cloch na Coillte, Co. Chorcaí. P85 TX47.
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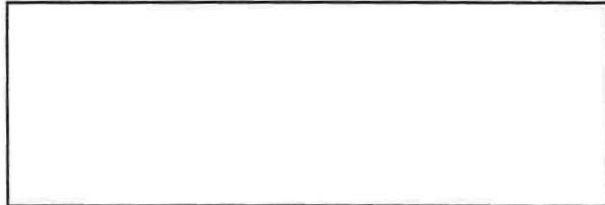
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Department of Agriculture, Food and the Marine

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An Roinn Talmhaíochta, Bia agus Mara

Tá an t-eolais san ríomhphost seo, agus in aon ceangláin leis, faoi phribhléid agus faoi rún agus le h-aghaidh an seolaí amháin. D'fhéadfadh ábhar an seoladh seo bheith faoi phribhléid profisiúnta nó dlíthiúil. Mura tusa an seolaí a bhí beartaithe leis an ríomhphost seo a fháil, tá cosc air, nó aon chuid de, a úsáid, a chóipeál, nó a scaoileadh. Má tháinig sé chugat de bharr dearmad, téigh i dteagmháil leis an seoltóir agus scríos an t-ábhar ó do ríomhaire le do thoil.





Kelleher Sheila

From: Foreshore EPA Marine [fem.dau@chg.gov.ie]
Sent: 11 June 2018 15:10
To: Aquaculturelicensing
Subject: Aquaculture Licences T12/203A +24
Attachments: ATT00001.txt; ATT00002.htm

RE: Aquaculture Licences T12/203A +24 at Mulroy Bay.

A chara,

Please find the nature conservation recommendations of the Department of Culture, Heritage, and the Gaeltacht for the above mentioned application.

The Department of Culture, Heritage and the Gaeltacht welcomes the opportunity to provide observations concerning the proposed licensing of aquaculture activities cited in your correspondence dated 30th April 2018 at Mulroy Bay SAC (Site Code: 002159).

This Department has offered comments on the Appropriate Assessment of Aquaculture in this bay on 21st of May 2018. These comments continue to reflect the opinion of this Department. It is hoped that these will be considered by the Department of Agriculture, Food and the Marine in its decision-making process.

Mise le meas,

Connor Rooney
Development Applications Unit
Department of Culture, Heritage, and the Gaeltacht.
Newtown Road
Wexford

tel: 0539117464



An Roinn Cultúir,
Oidhreachta agus Gaeltachta
Department of Culture,
Heritage and the Gaeltacht



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

[12/06//2018]

Submission pursuant to the provisions of Article 5 (2) of Directive 2011/92/EU

To Whom It May Concern:

Thank you for referring this notification to An Taisce in accordance with Section 10 of the Aquaculture (Licence Application) Regulations, 1998 (SI No 236 of 1998).

An Taisce has reviewed the applications T12/203A, T12/203B, T12/203C, T12/203D, T12/203E, T12/203F, T12/203G, T12/203H, T12/203J, T12/203K, T12/203L1, T12/203L2, T12/203L3, T12/203L4, T12/387A, T12/387B, T12/387C, T12/387D, T12/387E, T12/387F, T12/387G1, T12/387G2, T12/387G3, T12/281B and T12/400 from North West Shell Fish Ltd. and Anthony Duffy, all in Mulroy Bay, Co. Donegal and would like to make the following submission in relation to this application.

The proposed aquaculture project lies within the Mulroy Bay SAC (002159), which is designated for Large Shallow Inlets and Bays (1160), Reefs (1170), and Otter (*Lutra lutra*). Mulroy Bay is an extremely sheltered, narrow inlet situated on the north coast of Co. Donegal. The bay is a glacial fiard and the most convoluted of the marine inlets in north-west Ireland. Mulroy Bay displays excellent examples of two habitats listed on Annex I of the E.U. Habitats Directive – reefs and large shallow inlets and bays, with a good range of different sediment types. The variety of different habitats within the site is reflected in the high number of communities found in the bay and the high species diversity. The Otter, a species listed on Annex II of the E.U. Habitats Directive, frequents the site.

Issue 1: Cumulative impact on organic enrichment and water quality

It is outlined in section 2.3 of the AA report that for the practical purpose of management of habitats, a 15% threshold of overlap between an activity (or a combination of activities) resulting in persistent disturbance to a habitat or community type is given in the NPWS guidance. Disturbance is defined as that which leads to a change in the characterising species of the habitat or community type (which may also indicate change in structure and function). Such disturbance may be temporary or persistent in the sense that change in characterizing species may recover to pre-disturbed state or may persist and accumulate over time.

In the conclusions of the AA report, they state:

'Based upon the scale of spatial overlap (i.e., <15%) and the relatively high tolerance levels of the habitats and species therein, the general conclusions relating to the interaction between current and proposed aquaculture activities with habitats is that consideration can be given to licensing (existing and applications) in the Annex 1 habitats – Large Shallow Inlets and Bays (1160) and Reefs (1170).'

An Taisce notes that there is a 17.33% overlap of spatial extent (ha) of aquaculture activities with the qualifying interest Large Shallow Bays and Inlets (Table 3 AA report). In addition, when this is broken down by community type, it is clear from Table 6 of the AA report, that there are two instances where the total aquaculture overlap with a specific community type is >15%, namely 23.36% for Gravelly sand with bivalves, polychaetes and nemertean community complex, and 16.62% for Laminaria-dominated community complex. It appears to An Taisce that, in drawing their conclusions on potential impact of the proposed aquaculture on each separate community type, the overlap of each different type of aquaculture is considered independently to determine if it is greater than 15% (section 8.4 AA report). However, given that in two instances when all the aquaculture activities are accounted for, overlap is >15% in two of the communities, the cumulative total of all the aquaculture types within these community types must be considered. The NPWS conservation objectives for Large Shallow Bays and Inlets requires that the permanent habitat area is stable or increasing, subject to natural processes, constituent community types are conserved in a natural condition, and that the different community types must be conserved in a natural condition (NPWS, 2012). As it stands, the Appropriate Assessment which has been carried out in line with the legal requirements of Article 6(3) of the Habitats Directive appears to be overly narrow in scope, only considering as it does the impacts of each type of aquaculture separately, which leads to a reduced impact level compared with assessing the total figures for overlap. An Article 6 assessment is a scientifically based assessment of whether, in view of the conservation objectives of the site, a plan or project, alone or **in combination** with other plans and projects, may have an adverse impact on the integrity of the site. [An Taisce emphasis added].

Although not all of the aquaculture activities are considered disturbing individually, such as Oysters where research has demonstrated little physical impact on intertidal communities, the percentage of the protected habitats within the Bay which will fall under aquaculture activities is just short of 25% of the SAC (17.33% of large shallow inlets and bays and 7.51% of reefs) (Table 3 AA report). Of the aquaculture types proposed, salmon, scallops (suspended), clam and mussels are acknowledged to lead to increased organic enrichment (Table 12 AA report, and section 6.1.1), and, as outlined in Nuges et al. (1996), in relation to Oyster cultivation, baffling effects and high density of suspension feeders may lead to an increase in inorganic and silt composition, which can be significant in large (hectares) cultivated areas. In addition, the AA report outlines that in certain circumstances that there may be a cumulative impact on seabed over time, especially in areas where assimilation or dispersion of pseudofaeces is low. Given that the total volume of proposed aquaculture, which overlaps with the QI habitats is 552 hectares, approx 207 ha of which is intensive aquaculture (Table 3 AA report), An Taisce feel that the baffling effect and ensuing organic enrichment could pose

a significant threat to the water quality in the area, and, as a consequence, on the QI communities. This may also be exacerbated by the sheltered nature of Mulroy Bay, which will prevent sufficient flushing of the organic matter.

In addition, although it is generally assumed that organic outputs fall to the sea floor directly beneath the trestles, and only cause localised enrichment, this is for small scale projects, and it is difficult to accurately predict the impacts of aquaculture as it intensifies and expands, as encouraged to do under the Harvesting our Ocean's Wealth plan and the Foodwise 2025 policy. Although Foodwise 2025 does mention the need to assess the carrying capacity of bays for aquaculture, no Strategic Environmental Assessment has been carried out for the aquaculture industry as a whole. Studies suggest that the environmental effects associated with oyster cultivation, such as increase in organic and silt composition become more severe in areas of large-scale cultivation as the water velocity can be decreased by the presence of the trestles (Nugues et al. 1996).

In section 8.4 of the AA report, they highlight that some of the aquaculture activities may result in more chronic and long-term changes in community composition, including *“long-line mussel culture and finfish farming both of which result in organic loading on the seabed resulting in biogeochemical changes to sediment and a likely change in faunal compositions – whether this results in permanent change to the community type is unclear,”* [An Taisce emphasis added]. An Taisce would argue that due to the potential risk of permanent change to the sediment and faunal communities resulting from organic loading, the risks we have outlined regarding organic enrichment and water quality, the consequent cumulative impact from these activities, and the sheltered nature of the bay, the licensing authority cannot guarantee the absence of a negative effect on the SAC QIs. This is a key requirement under Article 6 (3) of the Habitats Directive, where consent for the proposal cannot be granted unless it has been clearly established that it will not negatively impact the SAC. The Article reads as follow:

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, 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,” [An Taisce emphasis added].

This was further enumerated by the European Court of Justice in the Waddenzee Case (C-127/02), where the ECJ stated quite categorically that *‘The competent national authorities, taking account of the appropriate assessment of the implications ... are to authorise such an activity only if they have made certain that it will not adversely affect the integrity of that site. This is the case where no reasonable scientific doubt remains as to the absence of such effects’* [An Taisce emphasis added].

In relation to water quality, An Taisce would highlight that coastal and transitional waters are subject to the legal obligations of the Water Framework Directive, WFD (2000/60/EC), which requires that all waterbodies reach good status by 2021. They are also protected by the Marine Strategy Framework Directive (MSFD), which aims to achieve good ecological status (GES) of the EU's marine waters by 2020 and to protect the resources on which marine-related economic and social activities depend. In the latest EPA assessment of water quality, Mulroy Bay is classified as moderate in the WFD coastal water body status assessment, and is also highlighted as being at risk of not meeting its WFD objective. The coastal waterbody status just at the outlet of Mulroy Bay is of high quality, thus if the water quality of the bay deteriorates, it will potentially relegate the coastal water to a lower classification. Increasing aquaculture activities, and thus organic loading in the Bay, will further increase the risk of the Bay failing to achieve its WFD objective, and would likely negate the ambition to improve the Bay to good status by 2021.

An Taisce would argue the need for the carrying capacity of the Bay to be assessed prior to licensing any aquaculture projects, particularly given the large percentage area proposed for licensing. An Taisce submit that the scope of the cumulative assessment should be broadened, to assess the impact of all of the aquaculture activities on the organic enrichment of the bay collectively, how this will impact on water quality, and what other point sources of water pollution flow in to the bay. This latter point does not appear to have been considered in cumulative assessment within the AA report provided, and in our considered opinion that is an oversight.

Issue 2: Otters

Mulroy Bay SAC is designated for the Otter (*Lutra lutra*). Although otters have been shown to acclimatise to anthropogenic disturbance, there are still potential impacts on marine mammals as a result of aquaculture interaction, as outlined in the AA report, including death or injury through entanglement in gear, displacement, altered food chain, disruption of migration pathways (for large cetaceans), and human intervention (marine mammals killed or relocated). The AA conclusion statement states that '*the risk of disturbance to Otter features posed by aquaculture is considered low and can be discounted.*' However, the AA report outlines limitations to the studies which have been carried out around shellfish farms and the impact on marine mammals, with uncertainty over spatial and temporal variation in both the location of structures and levels of disturbance which constrain the conclusions that can be drawn about the impacts of mariculture on critical life functions such as reproduction and foraging.

While the Otter is not likely to be disturbed by the anthropogenic activity around the aquaculture sites, An Taisce would have concerns regarding physical obstructions. One of the conservation objectives for the Otter in Mulroy Bay SAC is that there is no significant increase in the barriers to connectivity. Otters are Annex II and Annex IV species under the Habitats Directive (92/43/EEC). Being an Annex IV species, Otters are strictly protected wherever they occur, making it an offence to deliberately disturb the species or damage or

destroy its breeding or resting place. Given the limited conclusions which can be drawn from the studies on mariculture impacts on species such as Otter, and the large volume of proposed aquaculture structures, An Taisce believe that a specific Otter survey should be carried out on the Bay prior to licensing of the sites, with attendant mitigation measures, if appropriate, to offset the risks posed by aquaculture. In the current AA report and AA conclusion statement, there are no mitigation measures relating to Otters or how to mitigate against the risk of entanglement or ingestion of marine litter. At the very least, An Taisce would argue that these be clearly stipulated prior to licensing.

Issue 3: Scenic impacts

The proposed aquaculture projects lie within an area with extensive views and prospects. Objective NH-O-8 of the Donegal County Development Plan (2012-2018) aims *'To protect the character of the landscape where and to the extent that, the proper planning and development of the area requires it, including the preservation of views and prospects and the amenities of places and features of natural beauty or interest.'*

The county development policies include the ambition to safeguard the scenic context, cultural landscape significance, recreational and environmental amenities of the County's coastline from inappropriate development; and to protect landscapes of Especially High Scenic Amenity (EHSA) and views and prospects and to preserve the character of distinctive regional, local and cultural landscapes in the County. Given the prime views and prospects location of the proposed aquaculture, An Taisce would have concerns that approving the application would negatively impact on the use of site by recreational users, and may potentially negatively impact upon the tourism potential of the area given the importance of unspoiled coastal scenery to Donegal's tourism industry. The threat of aquaculture structures on landscapes was recognised by the EPA State of the Environment Report (2016), when they highlighted the threat of *'the visual impact of aquaculture facilities on the aesthetic quality of the environment.'*

In summary, whilst An Taisce supports the sustainable development of aquaculture, the granting of licenses must be in keeping with other objectives for the area, and developed in a balanced manner which is not degrading site, nor the water quality. The licensing authority must ensure that the local habitats, flora and fauna are not adversely impacted. There is clearly a large amount of aquaculture proposed for licensing in Mulroy Bay, some being intensively carried out. Given the range of potential negative impacts outlined in the above issues, it is our considered opinion that based on the provisions of Article 5 (2) of the Aquaculture (Licence Application) Regulations, 1998 (S.I. No. 236/1998), an EIS Screening should be carried out prior to licensing, with regard to the criteria set out in Annex 3 of the EIA Directive (as amended) (2014/52/EU). Particular regard should be paid to Part 1 a, b and c, in relation to the size of the project and the cumulative impact, and to Part 2(C)(i and v), which relates to the absorption capacity for coastal waters and Natura sites.

We should be grateful if you would take account of these concerns in considering this application. If approved, An Taisce maintains the right to appeal this application should we be dissatisfied with the approval and/or any conditions attached.

We should be grateful if you would provide to us in due course: an acknowledgement of this submission; the nature of the decision; the date of the decision; in the case of a decision to grant an approval, any conditions attached thereto, and the main reasons and considerations on which the decision is based; and, where conditions are imposed in relation to any grant of approval, the main reasons for the imposition of any such conditions.

Is mise le meas,

A handwritten signature in black ink, appearing to read 'Elaine McGoff', written in a cursive style.

Elaine McGoff,
Natural Environment Office,
An Taisce – The National Trust for Ireland

References

EPA (2016). Ireland's Environment – An Assessment 2016

NPWS (2012). National Parks and Wildlife Service Conservation Objectives Series, ISSN 2009- 4086, Mulroy Bay SAC 002159

Nugues, M.M., Kaiser, M.J., Spencer, B.E and Edwards D.B. (1996). Benthic community changes associated with oyster cultivation. *Aquaculture Research*, 27, 913-924.



Marine Institute
Foras na Mara

Rinville,
Oranmore,
Co. Galway
Tel: 091 387200

Date: 29 May 2018

Eileen Maher
Aquaculture and Foreshore Management Division
Department of Agriculture, Food and the Marine
Clogheen,
Clonakilty
Co. Cork.

Advice on Aquaculture Licence Application

Applicant	North West Shellfish Ltd
Application type	Renewal (T12/203A-K) and New (T12/203L1-L4)
Site Reference No	T12/203A, B, C, D, E, F, G, H, J, K and L1-L4
Species	Scallops, Native oysters, Pacific oysters, Mussels, Clams, Cockles, Abalone, Sea Urchins, Periwinkles and native seaweeds
Site Status	Located within the Mulroy Bay SAC (Site Code 002159) Located within the Mulroy Shellfish Growing Waters Area.

Dear Eileen

This is an application by Northwest Shellfish Ltd for aquacultures licence for the cultivation of Scallops, Native oysters, Pacific oysters, Mussels, Clams, Cockles, Abalone, Sea Urchins, Periwinkles and native seaweeds on the foreshore at multiple sites in Mulroy Bay. Details of the applications are shown in the following Table.

Site Reference No	Application Type	Species and production method	Area of Forehsore
T12/203 A	Renewal	Scallops (<i>P. maximus</i>) – spat collection using netlon bags on longlines	9.425Ha
T12/203B	Renewal	Scallops (<i>P. maximus</i>) – spat collection using netlon bags on longlines	10.000Ha
T12/203C	Renewal	Scallops (<i>P. maximus</i>) – spat collection using netlon bags on longlines	6.900Ha
T12/203D	Renewal	Scallops (<i>P. maximus</i>) and native oysters (<i>O. edulis</i>) - on the seabed	9.000Ha
T12/203E	Renewal	Scallops (<i>P. maximus</i>), mussels (<i>M. edulis</i>), native oysters (<i>O. edulis</i>), Pacific oysters (<i>C. gigas</i>), Clams (<i>T. decussatus</i> , <i>M. arenaria</i> <i>V. verrucosa</i>), Periwinkle (<i>L. littorea</i>), Cockle (<i>C. edule</i>), Sea urchin (<i>P. lividus</i>), Abalone (<i>H. tuberculata</i> / <i>discus hannai</i>) – on longlines, trays and lantern nets) and Seaweeds (<i>P. canaliculata</i> , <i>C. crispus</i> , <i>A. esculenta</i> , <i>L. digitata</i> , <i>S. latissima</i> , <i>Porphyra</i> spp, <i>P. palmata</i> , <i>U. lactuca</i> , <i>H. eloeelongate</i> , <i>Serratus</i> , <i>F.</i>	22.000Ha

		<i>vesiculosus, A. nodosum, L. hyperborea, L. saccharina, M. stellatus, U. intestinalis</i> - using longlines	
T12/203F	Renewal	Scallops – on the seabed	2.490Ha
T12/203G	Renewal	Scallops – on the seabed	3.000Ha
T12/203H	Renewal	Scallops – on the seabed	1.690Ha
T12/203J	Renewal	Scallops – on the seabed	112.000Ha
T12/203K	Renewal	Scallops (<i>P. maximus</i>), mussels (<i>M. edulis</i>), native oysters (<i>O. edulis</i>), Pacific oysters (<i>C. gigas</i>), Clams (<i>T. decussatus, M. arenaria V. verrucosa</i>), Periwinkle (<i>L. littorea</i>), Cockle (<i>C. edule</i>), Sea urchin (<i>P. lividus</i>), Abalone (<i>H. tuberculata / discus hannai</i>) – on longlines, trays and lantern nets) and Seaweeds (<i>P. canaliculata, C. crispus, A. esculenta, L. digitata, S. latissima, Porphyra spp, P. palmata, U. lactuca, H. eloelongate. Serratus, F. vesiculosus, A. nodosum, L. hyperborea, L. saccharina, M. stellatus, U. intestinalis</i>) - using longlines	30.000Ha
T12/203L1	New	Scallops – on the seabed	6.660HA
T12/203L2	New	Scallops – on the seabed	4.300HA
T12/203L3	New	Scallops – on the seabed	2.770HA
T12/203L4	New	Scallops – on the seabed	9.2400Ha

The sites are located within the Mulroy Shellfish Growing Waters Area.

Mussels in this area currently have a “A” Classification, while oysters and scallops have a “B” Classification under Annex II of EU Regulation 854/2004. No other shellfish species are currently classified in this area.

No chemicals or hazardous substances will be used during the production process.

It is the Marine Institute’s view that the potential risk of pollution caused by cultivating seaweeds as proposed is minimal. No hazardous or toxic chemicals are used in the production process. Like all other plants, seaweeds require sunlight and inorganic nutrients (Nitrogen and Phosphorous) for growth. These nutrients are present naturally in seawater and there are no requirements for input of “feed” or other chemicals. The cultivated seaweeds do not excrete toxic or potentially polluting substance as part of their growth cycle. There is a risk of pollution as a result, for example, of a fuel or hydraulic fluid spill from vessels used as part of the management activities e.g. seeding of ropes, harvesting of the seaweed, at the site. Given the scale of the proposal, however, any such events are likely to be minor and localised and the risk is considered to be minor.

Significant impacts on the general environment are not considered likely.

It is noted that Abalone (*Haliotis spp*) are included among the list of species that the applicant wishes to be permitted to cultivate at Sites T12/203E and T12/203K. Abalone are a non-native species and the Marine Institute recommends that, in making a final licence determination in respect of the production of abalone at these sites, the requirements of Council Regulation (EC) 708/2007 concerning use of alien and locally absent species in aquaculture are fully complied with.

All the sites are located within the Mulroy Bay SAC (Site Code 002159). Additionally Site T12/203L1 is located within the Sheephaven Bay SAC (Site Code 001190). We note the findings of the Appropriate

Assessments reports ^{1,2}, and the Department's draft Natura conclusion statements ^{3,4}, in regard to the impacts on the Conservation Objectives within the Mulroy Bay SAC and the Sheephaven Bay SAC.

In making the final determination with respect to this application it is recommended that DAFM take full account of the conclusions and recommendations of the Appropriate Assessment report and the proposed mitigation measures set out in the Department's draft Natura Conclusion Statement. Specifically in relation to Sites T12/203F,H, L1-L4 DAFM must be confident that, in the event of a positive licence determination, the buffer zones that will be applied are sufficient to ensure that there is no overlap of aquaculture and ancillary activities i.e. potting with the sensitive mearl community type. In relation to the proposed production of *C. gigas* at Site T12/203E and K the MI recommend that the conclusions and mitigation measure set out in the Department's draft Natura Conclusion Statement are implemented in full. Additionally the storage of longlines on the seabed at Sites T12/203A and B should be prohibited.

All seaweed species intended for production are native species. Little information, however, is provided on the source of the plantlets / seeded strings to be used in the cultivation process other than that they will be sourced by "natural settlement" and hatchery. It is recommended that further information on this element of the proposal be sought from the applicant to ensure that information on the exact source of the material is available.

In order to be able to assess and manage the potential risk of the introduction of invasive non-native species the MI recommends that the initial source of seed and other sources which may be used at any point in the future should be approved by the Minister. This approval should be a specific condition of any licence that may issue. It should be noted that the control of alien species is a separate issue to the control of diseases in the context of the current Fish Health legislation.

Notwithstanding the recommendation outlined above, and in the event that an Aquaculture Licence is granted, the movement of stock in and out of the site should follow best practice guidelines as they relate to the risk of introduction of invasive non-native species (e.g. [Invasive Species Ireland](#)). In this regard it is recommended that, prior to the commencement of operations at the sites, the applicant be required to draw up a contingency plan, for the approval of DAFM, which shall identify, *inter alia*, methods for the removal from the environment of any invasive non-native species introduced as a result of operations at this site. If such an event occurs, the contingency plan shall be implemented immediately.

In the event that invasive non-native species are introduced into a site as a result of aquaculture activity the impacts may be bay-wide and thus affect other aquaculture operators in the bay. In this regard, therefore, the Marine Institute considers that the CLAMS process may be a useful and appropriate vehicle for the development and implementation of alien species management and control plans.

It is statutory requirement that a Fish Health Authorisation as required under Council Directive 2006/88/EC be in place prior to the commencement of the aquaculture activities proposed.

1

<http://agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/appropriateassessments/MulroyBavAAReport190418.pdf>

2

<http://agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/appropriateassessments/donegal/AppropriateAssessmentAquacultureSheephavenSAC230218.pdf>

3

<http://agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshorelicenceapplications/donegal/42hectormcllwaine/DraftAAConStatMulroyBavFinal180418.pdf>

4

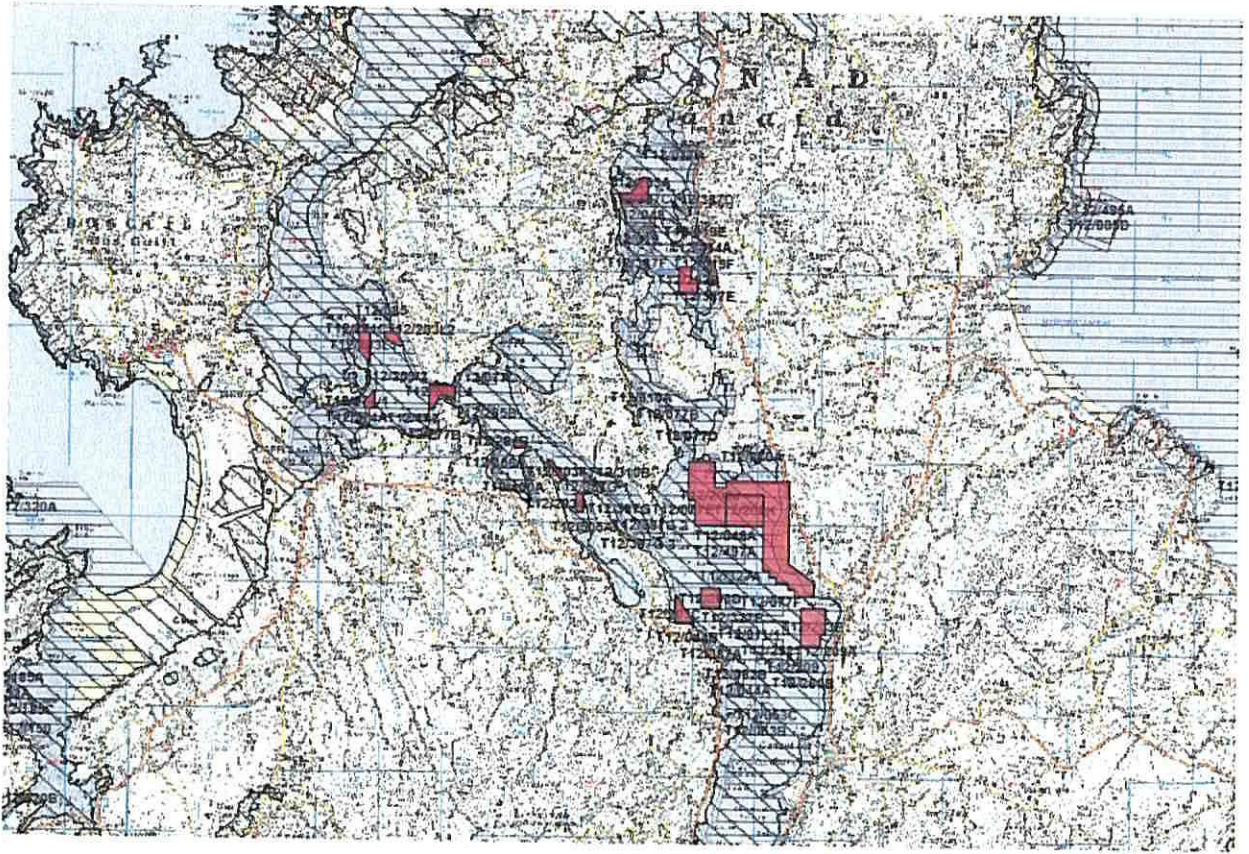
<http://agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshorelicenceapplications/donegal/DraftAAStateSheephavenSpecialAreaConservation190418.pdf>


Kind regards,

A handwritten signature in black ink, appearing to read 'Terry McMahon', with a horizontal line underneath.


Dr. Terry McMahon
Section Manager, Marine Environment and Food Safety Services,
The Marine Institute.






Shellfish Waters Directive Area


Aquaculture Site


Special Area of Conservation


Special Protection Areas






Commissioners of
IRISH LIGHTS | Navigation
and Maritime
Services

Commissioners of Irish Lights
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W www.irishlights.ie

Ms. Karen Gill
Aquaculture and Foreshore Management Division
Dept. of Agriculture Food & the Marine
National Seafood Centre
Clonakilty
Co. Cork

Your Reference: T12/203E
Our Reference: LA:0379.0230
Date: 05/03/2018

LL: LA0379.0230

Applicant: North West Shellfish Ltd.

Site: Trawbreaga Bay, Co. Donegal

Dear Ms. Gill,

Thank you for your letter advising us of this renewal.

Based on the information supplied, there appears to be no objection to this renewal. It is important to ensure that no navigable inter-tidal channels are impeded by any structures.

If a licence is renewed, all structures must be clearly marked as required by Regulations and Licensing Permit conditions and to the approval of the Nautical Surveyor with the Marine Survey Office.

Note: To date we have no record of this applicant applying for Statutory Sanction

We would request that you include the following terms in the licence

- That the applicant secures Statutory Sanction from the Commissioners of Irish Lights for the aids to navigation required by the Marine Survey Office. Statutory sanction forms are available at <http://www.irishlights.ie/safety-navigation/statutory-sanction.aspx>

It is recommended that local fishing and leisure interests be consulted prior to a renewal decision being made.

Furthermore, if a licence is granted, the UK Hydrographic Office at Taunton: sdr@ukho.gov.uk must be informed of the development's geographical position in order to update nautical charts and other nautical publications.

Yours sincerely,

Deirdre Lane
for Director of Operations and Navigation

cc Capt. T. O'Callaghan, Dept. of Transport, Marine Survey Office





07/06/2018

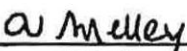
Ms Eileen Maher
Aquaculture and Foreshore Management Division
National Seafood Centre
Clonakilty
Co. Cork

Re: Applications for Aquaculture Licences in Mulroy Bay

Dear Eileen

I attach hereto Planners report with regard to the Aquaculture Licence applications that were submitted to this office on the 30th April 2018 for consultation. As you will see from same there is no objection to the renewal of the existing licences, however the planning authority has grave concerns regarding the significant intensification of the proposed new licence applications.

Yours sincerely



Anne Melley
Administrative Officer
Planning







**Comhairle Contae
Dhún na nGall
Donegal County Council**

**Observations by Donegal County Council
Mulroy Bay Aquaculture Licence Applications:**

Background

A referral seeking observations was received by the Planning Authority from the Dept of Agriculture, Food and Marine on the 30th April 2018 in relation to further 25 no. applications for (a) the renewal and (b) new aquaculture licences.

Proposed development

A total of 25 no. applications for the aquaculture licences have been received for comment. Please note that 11 no. applications relate to renewal of an existing licence Ref No. T.12/203A - 12/203K and T12/281B, while 14 no. applications for new aquaculture licences have also been submitted under Ref No. T12/203L1- 4, T12/387A-387G3 and T12/400 inclusive.

Your Ref	Council Ref	Renewal (ha)	New (ha)
T12/203A	AQL 18/30(a)	9.5	
T12/203B	AQL 18/30(b)	10.0	
T12/203C	AQL 18/30(c)	6.0	
T12/203D	AQL 18/30(d)	9.0	
T12/203E	AQL 18/30(e)	22.0	
T12/203F	AQL 18/30(f)	7.0	
T12/203G	AQL 18/30(g)	3.0	
T12/203H	AQL 18/30(h)	4.0	
T12/203J	AQL 18/30(i)	112.0	
T12/203K	AQL 18/30(j)	30.0	
T12/203L1	AQL 18/30(k)		103.0
T12/203L2	AQL 18/30(l)		Combined with 18/30k
T12/203L3	AQL 18/30(m)		Combined with 18/30k
T12/203L4	AQL 18/30(n)		Combined with 18/30k
T12/387A	AQL 18/31(a)		3.42
T12/387B	AQL 18/31(b)		1.69
T12/387C	AQL 18/31(c)		14.15
T12/387D	AQL 18/31(d)		6.20
T12/387E	AQL 18/31(e)		13.97
T12/387F	AQL 18/31(f)		16.11
T12/387G1	AQL 18/31(g)		22.97
T12/387G2	AQL 18/31(h)		Combined with 18/31h
T12/387G3	AQL 18/31(i)		Combined with 18/31h
T12/281B	AQL 18/32(a)	10.0	
T12/400	AQL 18/32(b)		7.32
		At least 222.5ha	At least 141.63ha

The submitted documentation lacks basic information in relation to the size of some of the areas to be licensed, scale and height of the proposed trestles, floating





**Comhairle Contae
Dhún na nGall
Donegal County Council**

devices and longline ropes and in terms of access to and from the sites has been submitted for consideration.

Natura 2000 sites

The subject sites are located within the Mulroy Bay Special Area of Conservation (Site Code: 002159).

Site Synopsis for the Mulroy Bay Special Area of Conservation (Site Code: 002159 refers).

Mulroy Bay is an extremely sheltered, narrow inlet situated on the north coast of Co. Donegal. The bay is a glacial fjord and the most convoluted of the marine inlets in north-west Ireland. It has three significant narrows where the current is very strong. The Moross peninsula, which separates the North Water from the Broad Water, is a large glacial drumlin. Bedrock is principally metamorphic quartzite, limestone, schist and gneiss, with intrusive granite at the mouth.

The otter, a species listed on Annex II of the EU Habitats Directive, frequents the site.

The Bay also supports significant numbers of wintering birds, with Mute Swan present in nationally important numbers and several species recorded in regionally important numbers (Brent Goose, Shelduck, Wigeon, Teal, Red-breasted Merganser, Oystercatcher and Dunlin). Aquaculture, scallop dredging and seaweed harvesting occur within the site and may pose a threat to the ecological value of the area.

Mulroy Bay displays excellent examples of two habitats listed on Annex I of the EU Habitats Directive – reefs and large shallow inlets and bays. The ornithological interest and the presence of a population of the Annex II species otter adds further to the importance of the site.

The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes):

- 1160 Large shallow inlets and bays
- 1170 Reefs
- 1355 Otter (*Lutra lutra*)

Habitats Directive

The applicant has submitted a report entitled 'Report supporting Appropriate Assessment of Aquaculture in Mulroy Bay SAC', dated April 2018 and a Draft Appropriate Assessment Conclusion Statement by the Licensing Authority in support of the application. The submitted reports refer specifically to the proposed and existing development and provides an assessment based on the principles of 'spatial overlap, i.e. does the proposed activity spatially overlap or interact the





**Comhairle Contae
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Donegal County Council**

qualifying interest, where overlap was found to exist a full assessment of the likely interactions was carried out between the aquaculture operation (existing and proposed) and the Annex I habitats / qualifying species.

The Planning Authority would have serious concerns in relation to the Appropriate Assessment screening report's findings and in particular Section 8 of the Draft Appropriate Assessment Conclusion Statement, which recommends 'mitigation measures' in respect of the following: (i) establishment of non-native species i.e. Pacific Oyster, (ii) introduction of a buffer zone around biogenic community types, (iii) licence condition restricting of access routes across intertidal habitat, to minimise habitat disturbance, (iv) licence condition requiring full implementation of measures set out regarding 'invasive species', (v) licence condition prohibiting storing longlines on seabed as abrasion risks cannot be discounted and (vi) ensuring that updated and enhanced aquaculture and foreshore licences are reflective of the environmental protections required under EU and National law.

County Development Plan 2018-2024

In terms of Aquaculture, it is stated within the CDP that the 'Council will support the sustainable development of onshore/ancillary aquaculture developments to maximise the potential of the sector in terms of employment and product export' (Chapter 10, The Marine Resource and Coastal Management, Section 10.1 – Fishing and Seafood).

It is an objective of the said section to 'Support the fishing and seafood sector by facilitating seafood processing industries and ancillary service developments' (objective MRCM-O-1 refers).

In relation to objectives, Section 7.1.2 of the CDP sets out the relevant objectives in relation to the conservation and protection of the natural heritage, it is also considered that objectives NH-O-1 – NH-O-7 are all applicable.

In relation to policy, Section 7.1.3 of the CDP sets out policies in relation to the conservation and protection of the natural heritage, it is considered that policies NH-P-1 to NH-P-9 and NH-P-13 and NH-P-17 are all applicable.

While it is noted that a number of designated views and prospects are identified across Mulroy Bay, in particular objective NH-P-17 seeks to: 'preserve the views and prospects of special amenity value and interest, in particular, views between public roads and the sea, lakes and rivers.....' NH-P-17.

Conclusion

T12/203A- T12/203K (AQL 18/30(a – J)) and T12/281B (AQL 18/32(a)).

No objection arises to the proposal to renew the existing licences which predominately relate to farming Scallops on longlines or other species on ropes, trestles and extensive bottom culture which equates to a total cumulative area of 222.5ha. of Mulroy Bay. It is considered that the existing development does not





**Comhairle Contae
Dhún na nGall
Donegal County Council**

represent a visual intrusion into the scenery of the host area and is considered to be acceptable.

T 12/203L1-203L4 (AQL 18/30(k - n)), T12/387A- T12/387G3 (AQL18/31(a - i)) and T 12/400 (AQL 18/32(b)).

The Planning Authority consider the cumulative impact of the proposed new licence applications, which equate to a total area of 141.63ha. to represent the significant intensification of the Scallop and Oyster Farming activity in and adjoining Mulroy Bay, which on balance, if permitted would result in a negative visual impact of the views afforded across the Bay from the local road network and the vicinity of the host environment. Same is considered to be contrary the objectives and policies of the County Development Plan 2018-2024 (as varied) as set out in objectives NH-O-1 - NH-O-7 (inclusive) and policies NH-P-1 to NH-P-9 and NH-P-13 and NH-P-17 inclusive.

In conclusion, the Planning Authority has no objection to the granting of the renewal licence for T12/203A-203K (AQL 18/30(a - j)) and T12/281B (AQL 18/32(a)) but considers the remaining licences to be excessive relative to the need to protect the amenities of Mulroy bay and therefore contrary to the aforementioned objectives and policies of the County Development Plan 2018-2024 and to the proper planning and sustainable development of the area.

a Melley

PR **Martin Mc Dermott**
Executive Planner



North West Shell Fish Ltd



Dear Eileen.

Please find attached our responses to the various comments received in relation to our aquaculture licence applications.

We are not going into any great detail in our responses as we are happy that people are entitled to their view and we support many of the views expressed in relation to the preservation of mulroy bay as a unique place.

That said the changes in and around mulroy bay in the past 50 years while I have been living on it's banks are massive, and will continue, all we have to do going forward is manage those changes to mitigate against damage to the environment within the bay and improve it if possible, which we feel our proposals will do.

Response to comments from **Donegal Co Co** re our aquaculture sites in Mulroy Bay.

We note that they have no objections regarding the renewal of our existing sites but have grave concerns regarding our applications on the grounds that our applications lack basic information in relation to size of areas and equipment to be used.

In our view all this information is included in our applications for all the equipment to be used and access routes however we have not mentioned trestles on any of our applications so there is no information on them.

There is reference to activities which may pose a threat to the ecological value of the area, one being scallop dredging. There has been no scallop dredging in the bay this past 30 years, we were instrumental in achieving that and we are now proposing that dredging and all mobile gear be banned from operating within the bay.

North West Shell Fish Ltd

Seaweed harvesting has taken place within the bay for generations and aquaculture operations for 40 years so the fact that the bay remains in pristine condition to harbour all the species mentioned bodes well for the future.

In relation to the scenery and views across Mulroy bay we make the following remarks:

None of our sites will have any additional surface floatation on them as they are all either bottom culture sites or were already licensed for the same purpose, in light of the information we have supplied in this response Donegal Co Co would appear to be supportive of all our applications

Marine Institute

Scallops now class A in the bay mainly due to the pressure we keep on the relevant authorities and stakeholders to mitigate against polluting the bay.

Seaweeds.

Plantlets and seeded string will be sourced from Bantry Marine Station, Co Cork, whom we have been working with this past 20 years on scallop culture etc. and also Island seafood, Rathlin Island whom we have also worked with in the past on several projects, some species will be sourced from Natural collection in the bay.

Aquaculture licences have already been granted for the production of Abalone and C Gigas Oyster in Mulroy Bay so this is not a first for these species in the bay, however we will employ best practices in the sourcing and cultivation of all the species applied for.

We do have a Fish health Authorisation in place and as we already are over 25 years in operation in the Bay cultivating scallops, we are well aware how important it is to be able to import and export stock to and from disease free locations because we are the "go to people" when research institutes and others

North West Shell Fish Ltd

from the british isles want scallops of any sizes or age to work with because we are the only ones who can supply them.

An Taisce

Issue 4

Cumulative impact on organic enrichment and water quality.

Mulroy Bay has, from samples taken over the past 3 years, achieved Class A waters which demonstrates an increase in water quality. All our existing longline sites although describes as intensive do not carry large tonnage of production because they are only nursery sites and therefore only spat and juveniles are grown in that system. All our existing bottom culture sites have low densities of production as will have any new sites licences, that is intentional in order to improve the diversity of the areas they are grown in.

We aim to keep our operation a sustainable business and ensure that these areas are protected into the future.

These bottom culture sites will only be dive harvested every 5 years so the impact of producing scallops in them will be minimal and will help restore diversity of species because historically there were scallops on them as can be seen from all the supporting information we submitted with our applications.

It is stated that a key requirements under article 6 (3) if the habitats directive where consent for the proposal cannot be granted unless it has been clearly established that it will not negatively impact the SAC

We contend that not alone will our activities not negatively impact on the site but that they will improve the sites because historically there were scallops and native oysters in these sites.

We feel that we are the front line in protecting the environment within Mulroy Bay because within and around our licenced sites there are no activities which can damage those areas and we were also instrumental in improving the water quality in the bay which is now Class A for scallops and mussels.

Issue 2 Otters

North West Shell Fish Ltd

We do agree that more information should be available on the otters in Mulroy Bay and that the best way to do that would be in conjunction with the aquaculture operators in the bay because who else knows better than them what is happening on a day to day basis?

Being in and around Mulroy bay for these past 50+ years where we grew up, all the aquaculture operators in the bay have an in depth knowledge of most things that are happening however we rarely get asked our views. The last 2 otters I saw had been run over and killed by a motor vehicle on the main Milford to Carrigart road, they were approx 4 miles apart, at different times and one was approx 1 mile from the sea.

Issue 3 Scenic Impacts

Our licences if granted will add nothing to the scenery in the bay because they are for bottom culture or renewal of previously licensed sites

Department of Culture Heritage and the Gaeltacht

On the issue of removing 100 tonne green crab annually we make the following comments.

We at North West Shellfish have been removing approximately 100 tonne of green crab annually since the early 1990s and if we hadn't been doing so they would have eaten everything in the bay. The dramatic increase in numbers was mainly due to the amount of feed falling to the seabed from salmon farms. The concentration of green crab in and around salmon production sites was phenomenal and so had to spread out around the bay to survive, when a site was fallowed it also led to a dispersal of crab stocks.

These sort of events are man made and so have to be man controlled.

We have records of catches going back all the years and the highest catch in a year was 192 tonne

North West Shell Fish Ltd

In general most of the comments are positive or just reiterate what is already known about the bay and the conservation measures required to maintain improve things.

We totally agree with best practices across all activities and feel that our low impact sustainable enterprise will help to secure and indeed improve the environment in the bay.

There is every likelihood that if we were not operating in the bay this past 25years, all the scallops would have been dredged out destroying, "a one of a kind genetic stock of scallops," along with many other species.

Our entire proposal is designed to sustainably produce high value aquaculture produce from Mulroy Bay while at the same time protecting the environment.

This will be done through best practices at all levels while supporting high end jobs in the process

Feel free to ask any other questions in relation to our applications and we will endeavour to answer.



Maher, EileenM

From: OSullivan, Paul
Sent: 04 September 2018 18:00
To: 'Northwest Shellfish'
Cc: Maher, EileenM
Subject: RE: licences

Jerry
I have looked back through my report assessments on 203E and 203K. Site 203 E is visible in high sensitivity designated views . The LVIA work was done. It remains my recommendation that 203E should be restricted to scallop culture and there should not be a change to past licensed activity on the site. I think in a future scenario where if the Minister did decide that aquaculture on 203E be restricted to scallops only and 203K be licensed for multiple species you will still have about 4800m of licensed longline length on 203K (out of a possible 6800 between the two site) available to you for multi species culture – so more than 2/3rds of that looked for (by likely permitted longline length) with site 203K alone?

I did recommend in my report on 203K that it not be licensed for mussel culture in line with mussel restriction limit line that went from Pan Rock across to Ballymagowan Bridge. I don't know what decision may be taken on that recommendation and I don't advise you remove thm from your application.

On event that mussels were not permitted on 203K and retention of mussels at some site is vital to your plans it might be possible to allow add on of that one species (mussels) to some other site south of the restriction line – but am not sure whether that would be doable at this point. You could explore possibility with AFMD.

Regards
Paul O'Sullivan

From: Northwest Shellfish [<mailto:northwestshellfish@eircom.net>]
Sent: 03 September 2018 17:23
To: OSullivan, Paul
Cc: northwestshellfish@eircom.net
Subject: licences

Hi Paul.

Further to todays phone conversation i wish to confirm some items discussed.

I have no problem with changing the outlay of lines and flotation in site 203E to correspond with your instructions.

I do however feel that changing the use of the site on our application to single species only, (scallop) is going to be very restrictive on our overall plan which includes a hatchery as it will limit our ability to nurse seed from a hatchery and possibly make that project less attractive to investors.

To operate a hatchery successfully there needs to be a facility to produce numerous species and then nurse them in suspended culture in sea conditions.

Mulroy bay as you know, is ideal for this purpose, being deep and sheltered.

The level of production on that or any other site will not escalate even if it will be licenced for several species because the flotation and amount of structures is outlined on each application and irrespective of whether it is scallops or any other shellfish species that are in the culture system the same level of product and management will be in place, the same applies to seaweeds.

You mentioned that you would prefer if mussels were not included in site 203K so therefor if you request that i will remove them from that application.

We have put a lot of thought and research into this overall proposal/ plan and to chop pieces from it now would not be the best way to proceed, therefor if we can put an agreed proposal to the minister it would be best.

Regards

Jerry
North West Shellfish
T: +353 868092246



Submission AGR 00735-18: Recommendation to Grant a Variation of a Renewal / Review of Aquaculture & Foreshore Licences for 1 site (T12/203E)

TO: Minister
STATUS: Completed
PURPOSE: For Decision

AUTHOR: Maher, EileenM
OWNER: Maher, EileenM
REVIEWERS: Foley, Gerry
Whelton, Batt
Quinlan, John
Beamish, Cecil
Smith, Ann

DIVISION: Coastal Zone Management
DECISION BY:

Final comment

Minister determines that a variation of the application request be granted for the reasons outlined.

Action required

Ministerial Determination on a Renewal/Review Aquaculture/Foreshore Licensing Application (T12/203E) (variation is being recommended)

Executive summary

The Minister's determination is requested in relation to an application for the renewal / review of an Aquaculture Licence in relation to a 22ha site from North West Shellfish Ltd. This site has previously been used for Scallop culture only. The application proposes a wider variety of species and aquaculture activities on the site - cultivating Scallops, Mussels, Native Oyster, Pacific Oyster, Soft shell clam, Native Clam, Prairie Clam, Periwinkle, Common Cockle, Ormer or Abalone, Sea Urchin and seaweed. This 22 hectare site is on the foreshore in Mulroy Bay, Co. Donegal. It is recommended that scallop culture only be permitted due to consideration of the potential negative visual impact of a more intense development.

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

It is recommended that the Minister determines that a variation of the application request be granted for the reasons outlined in the 'Detailed Information' section below.

Detailed information

Recommendation to grant a variation of the Renewal / Review of an Aquaculture Licence Application (T12/203E)

DECISION SOUGHT

The Minister's determination is requested please in relation to an application for the renewal / review of an Aquaculture Licence from North West Shell Fish Ltd, Upper Carrick, Carrigart, Letterkenny, Co. Donegal for a site in Mulroy 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 the renewal / review of an Aquaculture Licence has been received from the applicant referred to above (in conjunction with an application for a Foreshore Licence), for Scallop culture (nursery intensive) using longlines and lantern nets.

Also included in the application is the cultivation of Mussels, Native Oyster, Pacific Oyster, Soft Shell Clam, Native Clam, Prairie Clam, Periwinkle, Common Cockle, Ormer or Abalone, Sea Urchin and Seaweed (Channelled Wrack, Carrageen Moss, Dabberlocks or Badderlocks, or Winged Kelp or Atlantic Wakame, Oarweed, Sea Belt and Devils Apron, Nori, Laver, Sloke, Dulse or Dilisk, Sea Lettuce, Sea spaghetti, Serrated Wrack, Bladder Wrack, Knotted Wrack, Oarweed, Seabelt, Sweet Kombu, Carrageen Moss, Irish Moss, Gutweed and Grass Kelp) cultures. This relates to a 22 hectare site on the foreshore in Mulroy Bay, Co. Donegal (T12/203E). The area in question was previously used as a scallop nursery site to which seed was transferred from the spat collection areas for rearing in lantern nets (or trays) suspended from longlines.

Note: Northwest Shellfish have withdrawn Abalone from their list of shellfish to be cultivated at this site.

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 22(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): Noted that this site has been previously used for scallop culture only and is a scallop nursery site to which seed is transferred from the spat collection areas for rearing in lantern nets (or trays) suspended from longlines. Additional species, namely mussels, native oyster, pacific oyster, soft shell clam, native clam, prairie clam, periwinkle, common cockle, ormer or abalone, sea urchin and seaweed has been included in the renewal / review application.

The main navigation route is on west side of Broadwater and quite some distance away. There are no major concerns generally with regard to boat access although greater room between sites 203E and 209A may be preferable. For this reason it is recommended that longlines do not extend to site corners as the clearance available of 50m is acceptable for small boat traffic.

Visual Impact: Site T12/203E is an area which does not have many (if any) structures employed at present and is located in open clear water to the NE of the main concentration of mussel longlines in the Broadwater. If this site were to be developed in full there would be substantial scale visual impact from certain public views. By pitching the development at a lower level of intensity, mitigation of visual impact is possible. Submerged longlines are only to be used with no surface lines permitted. Longlines should be at 80m apart with a maximum of 5 no 400m longlines to be permitted.

It is recommended that scallop culture only be permitted to keep development intensity at a manageable level. Surface floatation units no larger than A3 buoys permitted. Float spacing along longline to be no less than 20 meters apart and floats to be coloured battleship grey only. Therefore it is recommended that this site be licensed subject to visual impact mitigation measures restricting the type and density of structures permitted on the site and excluding species other than scallops on the site. The practice of sinking longlines to the seabed may not be permitted and the main ropes should be removed off site for storage between nursery/growing periods and end anchors at the site marked off by marker buoys. It is also recommended that aquaculture gear should not be stored on vessels in Cranford Bay or elsewhere in Mulroy Bay - storage of gear should be at onshore facilities only.

Marine Survey Office: Due to the relative complexity of the aquaculture site layout (trestles and longlines located over large portions of the Bay), Tom O'Callaghan (MSO Surveyor) convened a meeting with the BIM Northwest Regional Office officials to ensure that a suitable CLAMS marking system for Mulroy Bay is in place.

Sea Fisheries Protection Authority: No comments were received.

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 (MI): No objection to granting the licence for T12/203E as the site is located within the Mulroy Shellfish Growing Waters Area within the Mulroy Bay SAC (Site Code 002159); scallops and oysters currently have a "B" Classification and mussels have an "A" Classification under Annex II of Eu Regulation 854/2004.

It is noted that Abalone are included among the list of species – as abalone are not a native species the MI recommend that in respect of the production of abalone at these sites the requirements of Council Regulation (EC) 708/2007 concerning use of alien and locally absent species in aquaculture are fully complied with. In relation to the proposed production of *C. Gigas*, the MI recommend that the conclusions and mitigation measure set out in the Department's draft Natura Conclusion Statement are implemented in full. All seaweed species intended for production are native however little information is provided on the source of the plantlets / seeded strings to be used in the cultivation process – further information is required. All sources of seed used initially and intended for use in the future should be approved by the Minister.

Significant impacts on the environment are not considered likely. It was suggested that the applicant would draw up a contingency plan around methods for the removal from the environment of any invasive non-native species introduced as a result of operations at this site; MI recommended the CLAMS process to support this.

Northwest Shellfish have withdrawn Abalone from their list of shellfish to be cultivated at this site.

An Taisce: The proposed aquaculture project lies within the Mulroy Bay SAC which is designated for Large Shallow Inlets and Bays (11220), Reefs (1170) and Otter (*Lutra Lutra*). The variety of different habitats within the site is reflected in the high number of communities found in the bay and high species diversity. Concerns around cumulative impact on organic enrichment and water quality: An Taisce notes there is a 17.33% overlap of spatial extent (ha) of aquaculture activities with the qualifying interest Large Shallow Bays and Inlets therefore there are concerns regarding the baffling effect and ensuing organic enrichment poses a significant threat to the water quality of the area and as a consequence on the QI communities. Additionally organic outputs falling to the seabed directly beneath trestles has the potential for localised enrichment however when the operations is more intensified and expansive the impact is more difficult to accurately predict. An Taisce would argue the need for the carrying capacity of the Bay to be assessed prior to the licensing of any aquaculture projects. Regarding Otters, An Taisce notes would have concerns regarding physical obstructions, injury through entanglement in gear, displacement, altered food chain, disruption of migration pathways and hum intervention. Therefore it is recommended a specific Otter survey should be carried out on the Bay prior to licensing of the sites with attendant mitigation measures. Regarding scenic impacts, whilst An Taisce supports the sustainable development of aquaculture the granting of licences must be in keeping with other objectives for the area therefore it must be ensured that the local habitats, flora and fauna are not adversely impacted. For this reason the an EIS screening should be carried out prior to licensing given the large of amount of aquaculture proposed for licensing in Mulroy Bay, some being intensively carried out.

All Natura issues are fully addressed in the Department's Conclusion Statement (see attached) which is available on the Department's website.

Commissioner of Irish Lights (CIL): No objection to the granting of this licence renewal provided that, if the licence is renewed, all structures must be clearly marked as required by regulations. The applicant must secure Statutory Sanction from the CIL for the aids to navigation required by the MSO. The UK Hydrographic Office at Taunton UK must be informed of the development's geographical position in order to update nautical charts and publications.

Donegal County Council: No objections arise to the proposal to renew the existing licences, which predominately relate to farming scallops on longlines or other species on ropes, trestles which equates to a total cumulative area of 222.5ha of Mulroy Bay. It is considered that the existing development does not represent a visual intrusion into the scenery of the host area and is considered to be acceptable.

Department of Housing Planning and Local Government: No comments were received in relation to this application however in relation to other applications in Mulroy Bay the DHPLG stated that they have no objection on technical grounds subject to the department being satisfied the applicant is operating within the conditions of their existing licence including for site location and species. This is without prejudice to any views that the NPWS (within the DCHG) may have from a nature conservation perspective.

BIM: Are satisfied that the proposed operations do not conflict with any other aquaculture or inshore fisheries interests in the area.

The Department of Culture, Heritage and the Gaeltacht (DCHG): Provided observations for consideration specifically around elements in the Appropriate Assessment and Conclusion Statement in relation to Mulroy Bay SAC (Site Code 002159) in relation to other applications in Mulroy Bay on the 01st June 2018. These included queries around the effect of the removal of 100 tonnes of

Green Crab annually; that all finfish sites within the bay should be considered operational within the report; that the consideration of the ropes and anchoring systems of the collectors is required; and the issue of potential changes to the existing fauna due to scallop cultivation causing increased nutrient enrichment was not fully addressed in the AA.

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

The MI responded to the comments made on the 01st of June as follows: *The removal of the green crab was addressed in the Assessment report Section 9 and was deemed modest and not likely to impact same. When preparing the Assessment report, all finfish sites were considered as operational. Where rope culture was employed the likely impacts were considered in full and at no location where scallop spat collection using 'rope culture' did they overlap with reef habitat. The accumulation of organic waste from scallop production is not considered an issue.*

Inland Fisheries Ireland: No comments were received.

Public Consultation

The application was publicly advertised using a composite public notice covering both aquaculture and foreshore elements, on the 31st of May in the Donegal Democrat. The application and supporting documentation were available for inspection at Letterkenny Garda Station 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.

North West Shellfish responded as follows to the statutory comments: *In relation to concerns regarding threats to the ecological value of the area, one being scallop dredging, we can confirm that there has been no scallop dredging in the bay this past 30 years. Seaweed harvesting has taken place within the bay for generations as has aquaculture activity and in this time the bay has remained in pristine condition to harbour all the species. In relation to any concerns regarding visual impact, none of the sites will have any additional surface floatation on them as they are all either bottom culture sites or were already licensed for the same purpose. In relation to cumulative impact on organic enrichment and water quality, Mulroy Bay over the last three years achieved Class A waters, which demonstrates an increase in water quality. All our existing longline sites although described as intensive do not carry large tonnage of production as they are nursery sites so only spat and juveniles are grown in that system. All existing bottom culture sites have low densities of production as will any new sites. Bottom culture sites will be dive harvested every five years. We contend that not alone will our activities not negatively impact the site but will improve the sites as historically there were scallops and native oysters in these sites. In relation to the query regarding the removal of green crab – North West Shellfish have been removing approximately 100 tonne of green crab annually since the 1990s and if we had not done so they would have eaten everything in the bay. The expansion in population of the green crab was a man made event due to the amount of feed dropping to the seabed from salmon farms therefore it needed to be man controlled. North West Shellfish agree with best practices across all activities and feel our low impact sustainable enterprise will help to secure and improve the environment in the bay.*

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:

a) the suitability of the place or waters

Scientific advice is to the effect that the waters are suitable for the culture of shellfish.

b) other beneficial uses of the waters concerned

This is a renewal/review application for an existing site in Mulroy Bay and public access to recreational and other activities is already accommodated by this project. Aquaculture appropriately licensed can co-exist with other leisure activities.

c) 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). An Article 22 Appropriate Assessment of Aquaculture in Mulroy Bay SAC (Site Code: 2159) 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 requirements (The Appropriate Assessment and Licensing Authority's Conclusion Statement are available on the Department's website).

No Habitats issues arise in relation to this site.

(ii) Shellfish Waters

The site is located within Mulroy Bay Shellfish Designated Waters. Scallops from this area currently have a "B" classification.

d) 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.

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

Natural habitats, flora and fauna issues are addressed under 'Natura 2000' above. No significant issues arose regarding wild fisheries.

f) the effect on the environment generally

The Minister is 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 a significant effect on the environment. Significant impacts on the general environment are not considered likely. No chemicals or hazardous substances will be used during the production process.

Visual impact – Culturing at a lower level of intensity will mitigate potential visual impact.

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

RECOMMENDATION

It is recommended that the Minister:

approves the granting of a variation of the renewal / review of an Aquaculture Licence (**TAB B**), as applied for, to North West Shell Fish Ltd, Upper Carrick, Carrigart, Letterkenny, Co. Donegal, for a period of ten (10) years, i.e. grant a licence for the purpose of cultivating Scallops (nursery) using longlines and lantern nets on a 22 ha site, on the foreshore, in Mulroy Bay, Co Donegal (Ref no. T12/203E).

It is not intended to licence any other culture, i.e. Mussels, Native Oyster, Pacific Oyster, Soft Shell Clam, Native Clam, Prairie Clam, Periwinkle, Common Cockle, Ormer or Abalone, Sea Urchin and Seaweed cultures, as applied for, are not to be permitted in accordance with the terms and conditions of the attached draft Aquaculture Licence.

The reason for this is to mitigate the negative visual impact that would result if the site were to be developed in full, both from a stand alone and in cumulative impact terms.

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 – T12/203E

North West Shell Fish Ltd, Upper Carrick, Carrigart, Letterkenny, Co. Donegal has applied for Aquaculture / Foreshore Licences for the purpose of cultivating Scallops, Mussels, Native Oyster, Pacific Oyster, Soft Shell Clam, Native Clam, Prairie Clam, Periwinkle, Common Cockle, Ormer or Abalone, Sea Urchin and Seaweed cultures in relation to a 22 hectare site on the foreshore in the Broad Water area of Mulroy Bay, Co. Donegal. The applicant later withdrew the Abalone application. Site has been previously used for scallop culture only as a scallop nursery site to which seed is transferred from the spat collection areas for rearing in lantern nets (or trays) suspended from longlines.

The Minister for Agriculture, Food and the Marine has determined that it is in the public interest to grant a variation on the licences sought - only Scallop culture (nursery) using longlines and lantern nets will be permitted. None of the other species / cultures applied for are being permitted. The reason for this is to mitigate the negative visual impact that would result if the site were to be developed in full, both from a stand alone and in cumulative impact terms - this is further elaborated at (g) below.

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 submission and observations received in accordance with statutory provisions.

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

- a) Scientific advice is to the effect that the waters are suitable. The site is located within Mulroy Bay Shellfish Designated Waters. Scallops in these waters currently have a "B" Classification;
- b) This is a renewal/review application for existing aquaculture activity in Mulroy Bay and public access to recreational and other activities is already accommodated by this project;
- c) The continuation of aquaculture at this location should have a positive effect on the economy of the local area;
- d) All issues raised during Public and Statutory consultation phase;
- e) There are no effects anticipated on the man-made environment heritage of value in the area;
- f) Significant impacts on the general environment are not considered likely. No chemicals or hazardous substances will be used during the production process;
- g) Visual impact - Technical advice is that if the site were to be developed in full in accordance with the application, utilising 10 longlines and heavy utilisation, there would be substantial scale visual impact from certain public views, both in stand alone and cumulative impact terms. Keeping the development at a lower level of intensity mitigates visual impact. This is being achieved by limiting the amount and type of structures permitted, for example, submerged longlines with a minimum spacing of 80 metres apart, maximum of 5 no 400 metre long lines, scallop culture only (to keep development intensity at a manageable level), surface flotation units no larger than A3 buoys and float colour battleship grey only;
- h) The site is located within the Mulroy Bay SAC. An Article 6 Assessment has been carried out in relation to aquaculture activities in the SAC. The Licensing Authority's Conclusion Statement (available on the Department's website) outlines how aquaculture activities in this SAC, including this site, are being licensed and managed so as not to significantly and adversely affect the integrity of the Mulroy Bay SAC;
- i) Taking account of the findings of the appropriate assessment no significant habitats issues arise in relation to this site;
- j) A licence condition requiring full implementation of the measures set out in the draft Marine Aquaculture Code of Practice prepared by Invasive Species Ireland;
- k) The updated and enhanced Aquaculture and Foreshore licences contain terms and conditions which reflect the environmental protection required under EU and National law."

Recommendation to grant a Foreshore Licence application (T12/203E)

DECISION SOUGHT

The Minister's determination is requested please in relation to the application for a Foreshore Licence from North West Shell Fish Ltd, Upper Carrick, Carrigart, Letterkenny, Co. Donegal for a site in Mulroy 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 above (in conjunction with an Aquaculture Licence application), relating to the occupation of the foreshore associated with the Aquaculture Licence application which covers a 22 hectare site (T12/203E – see **TAB C**).

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 Housing, Planning 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.

Department of Housing Planning and Local Government: No comments were received in relation to this application however in relation to other applications in Mulroy Bay the DHPLG stated that they have no objection on technical grounds subject to the department being satisfied the applicant is operating within the conditions of their existing licence including for site location and species. This is without prejudice to any views that the NPWS (within the DCHG) may have from a nature conservation perspective.

Technical Consultation

Marine Engineering Division (MED): Noted that this site has been previously used for scallop culture only and is a scallop nursery site to which seed is transferred from the spat collection areas for rearing in lantern nets (or trays) suspended from longlines. Additional species, namely mussels, native oyster, pacific oyster, soft shell clam, native clam, prairie clam, periwinkle, common cockle, ormer or abalone, sea urchin and seaweed has been included in the renewal / review application.

The main navigation route is on west side of Broadwater and quite some distance away. There are no major concerns generally with regard to boat access although greater room between sites 203E and 209A may be preferable. For this reason it is recommended that longlines do not extend to site corners as the clearance available of 50m is acceptable for small boat traffic.

Visual Impact: Site T12/203E is an area which does not have many (if any) structures employed at present and is located in open clear water to the NE of the main concentration of mussel longlines in the Broadwater. If this site were to be developed in full there would be substantial scale visual impact from certain public views. By pitching the development at a lower level of intensity, mitigation of visual impact is possible. Submerged longlines are only to be used with no surface lines permitted. Longlines should be at 80m apart with a maximum of 5 no 400m longlines to be permitted.

It is recommended that scallop culture only be permitted to keep development intensity at a manageable level. Surface floatation units no larger than A3 buoys permitted. Float spacing along longline to be no less than 20 meters apart and floats to be coloured battleship grey only. Therefore it is recommended that this site be licensed subject to visual impact mitigation measures restricting the type and density of structures permitted on the site and excluding species other than scallops on the site. The practice of sinking longlines to the seabed may not be permitted and the main ropes should be removed off site for storage between nursery/growing periods and end anchors at the site marked off by marker buoys. It is also recommended that aquaculture gear should not be stored on vessels in Cranford Bay or elsewhere in Mulroy Bay - storage of gear should be at onshore facilities only.

Marine Survey Office: Due to the relative complexity of the aquaculture site layout (trestles and longlines located over large portions of the Bay), Tom O'Callaghan (MSO Surveyor) convened a meeting with the BIM Northwest Regional Office officials to ensure that a suitable CLAMS marking system for Mulroy Bay is in place.

Sea Fisheries Protection Authority: No comments were received.

Public Consultation

The application was publicly advertised using a composite public notice covering both aquaculture and foreshore elements, in the 31st of May in the Donegal Democrat. The application and supporting documentation were available for inspection at Letterkenny Garda Station 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 site is located within a Natura area (i.e. in a Special Area of Conservation). An Article 6 Appropriate Assessment of Aquaculture in Mulroy Bay SAC (Site Code: 2159) 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 requirements. (The Appropriate Assessment and Licensing Authority's Conclusion Statement are available on the Department's website).

No Habitats issues arise in relation to this site. Issues regarding the negative visual impact in relation to the site have been addressed by the MED and recommendations to reduce the intensity of the development has been taken into consideration by recommending that a variation of the renewal/review application for this site be granted. *MED advice is that if site 203E were to be developed in full with 10 longlines and heavy utilisation there would be substantial scale visual impact from certain public views, both in stand alone and cumulative impact terms. If, however, the development is pitched at a lower level of intensity, mitigation of visual impact is possible. This is achieved by limiting the amount and type of structures permitted - submerged longlines with a minimum spacing of 80m apart, maximum of 5 no 400m longlines, scallop culture only (to keep development intensity at a manageable level).*

RECOMMENDATION

It is recommended that the Minister, taking account of the decision on the related aquaculture licence application:

approves the granting of a Foreshore Licence (**TAB D**) to North West Shell Fish Ltd, Upper Carrick, Carrigart, Letterkenny, Co. Donegal for a 22 ha site in Mulroy Bay (T12/203E) for a period of ten (10) years for occupation of the site for the carrying out of aquaculture activities as defined in the Aquaculture Licence, and in accordance with the terms and conditions of the attached draft Foreshore Licence (subject to any minor Schedule changes).

Submitted for your approval please.

Related submissions

There are no related submissions.

Comments

Foley, Gerry - 18/10/2018 14:38

It is recommended that the Minister approves the granting of a variation of the renewal / review of the Aquaculture / Foreshore Licence(s) applied for to North West Shellfish Ltd for the reasons outlined in the submission above and in accordance with the terms & conditions of the attached draft licences.

Whelton, Batt - 18/10/2018 15:45

I agree with the recommendation that Aquaculture and Foreshore licences be granted for Scallop culture (nursery) only using longlines and lantern nets. None of the other species / cultures applied for are being permitted. The reason for this is to mitigate the negative visual impact that would result if the site were to be developed in full, both from a stand alone and in cumulative impact terms

Quinlan, John - 18/10/2018 17:12

Recommended for approval please.

Beamish, Cecil - 19/10/2018 11:35

Recommended that the Minister determines that a variation of the application request be granted for the reasons outlined in the submission.

Smith, Ann - 19/10/2018 11:38

Approved for submission to Minister. 19/10/2018

Lennox, Graham - 19/10/2018 15:50

Minister determines that a variation of the application request be granted for the reasons outlined.

User details

INVOLVED: Maher, EileenM
Foley, Gerry
Whelton, Batt
Quinlan, John
Beamish, Cecil
Sub Sec Gens Office
eSub Sec Gen
eSub Ministers Office
eSub Minister

READ RECEIPT: Maher, EileenM
Foley, Gerry
Whelton, Batt
Smith, Ann
Quinlan, John
Beamish, Cecil
Lennox, Graham

Action log

ACTION	USER	DATE	DESCRIPTION
Create	Maher, EileenM	18/10/2018 11:36	Submission AGR 00735-18 to Minister created.
Submit for review	Maher, EileenM	18/10/2018 11:46	Submission sent for review to Foley, Gerry.
Update details	Foley, Gerry	18/10/2018 11:57	Access on completion changed from Division wide to Private & confidential.
Submit for review	Foley, Gerry	18/10/2018 14:45	Submission sent for review to Whelton, Batt.
Submit for review	Whelton, Batt	18/10/2018 17:11	Submission sent for review to Quinlan, John.
Submit for review	Quinlan, John	18/10/2018 17:12	Submission sent for review to Beamish, Cecil.
Submit for review	Beamish, Cecil	19/10/2018 11:35	Submission sent for review to Secretary General.
Submit for review	Smith, Ann	19/10/2018 11:38	Submission sent for review to Minister.
Complete	Lennox, Graham	19/10/2018 15:50	Submission completed by Lennox, Graham.





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

T12/203E

FORESHORE LICENCE

North West Shell Fish Ltd

Upper Carrig

Carrigart

Letterkenny

Co. Donegal

TABLE OF CONTENTS

TERMS AND CONDITIONS APPLICABLE TO FORESHORE LICENCE

SEAL OF OFFICE AND SIGNATURES

SCHEDULE 1

FORESHORE LICENCE IN RESPECT OF A SITE
(NUMBERED T12/203E) AT Mulroy BAY, CO. DONEGAL

AGREEMENT made on the XX XXXX XXX, between the Minister for Agriculture, Food and the Marine (hereinafter referred to as the "Minister" which expression shall include his Successors or Assigns where the contract so requires or admits), of the one part, and

NORTH WEST SHELL FISH LTD
UPPER CARRIG
CARRIGART
LETTERKENNY
CO.DONEGAL

(hereinafter referred to as the "Licensee") of the other part, whereby the Minister, in exercise of the powers conferred on him by Section 3 of the Foreshore Act, 1933 (No.12 of 1933) hereby grants to the Licensee licence to use and occupy that part of the foreshore at Mulroy Bay, Co. Donegal (numbered T12/203E) detailed in the attached schedule and more particularly delineated on the map annexed hereto and thereon coloured red for the purpose of the cultivation set out in Aquaculture Licence Number 1041 on the terms and conditions set out in the attached pages.

This Foreshore Licence shall remain in force for a maximum period of ten (10) years commencing on XX XXXXXX XXXX, provided for so long as the Aquaculture Licence Number XXXX granted on XX XXXXXX XXX under the Fisheries (Amendment) Act 1997 (No. 23 of 1997) in respect of the same site for the purpose referred to is in force.

TERMS AND CONDITIONS APPLICABLE TO FORESHORE LICENCE

1. The Licensee shall pay to the Minister the annual sum of € XX.XX (Sixty three euro Forty nine cent), such payment to be made on the XX XXXX XXXX in every year during the continuance of this Licence, the first of such payments to be made on the signing hereof.
2. The Licensee shall use that part of the foreshore, the subject matter of this Licence, for the cultivation set out in Aquaculture Licence Number 1041 only and for no other purpose whatsoever.
3. The Licensee shall comply fully with all terms and conditions of Aquaculture Licence Number 1041.
4. The Licensee shall indemnify and keep indemnified the State, the Minister, his officers, servants or agents against all actions, loss, damage, costs, expenses and any demands or claims however arising in connection with the construction, maintenance or use of any structures, apparatus, equipment or any other thing used in connection with the licensed operation in the licensed area or in the exercise of the rights granted under the licence and the Licensee shall take such steps as the Minister may specify in order to ensure compliance with this condition.
5. The duty of maintenance and responsibility for the upkeep and safety of the site rests with the Licensee.
6. The Minister shall be at liberty at any time to terminate this Licence by giving to the Licensee three months notice in writing ending on any day, and upon determination of such notice, the Licence and permission granted shall be deemed to be revoked and withdrawn without the liability for the payment of any compensation by the Minister to the Licensee.
7. Any notice to be given by the Minister may be transmitted through the Post Office addressed to the Licensee at the last known address of the Licensee.
8. The Licensee shall not carry out any operations authorised by the Licence in the licensed area in such a manner as to interfere unreasonably with fishing or navigation in the vicinity of the licensed area and shall comply with any direction given to the Licensee in that regard by the Minister.
9. In the event of the breach, non-performance or non-observance by the Licensee of any of the conditions herein contained, the Minister may forthwith terminate this Licence without prior notice to the Licensee.

AND IT IS HEREBY CERTIFIED THAT:

1. For the purpose of the stamping of this Instrument that this is an Instrument to which the provisions of Section 53 of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999), do not apply for the reason that the entire of the property involved comprises Foreshore and contains no Buildings.
2. The Family Law Acts of 1976, 1981, 1989, 1995 and the Family Law (Divorce) Act 1996 do not affect the Property.

SEAL OF OFFICE AND SIGNATURES

**PRESENT when the Seal of Office
of the MINISTER FOR AGRICULTURE, FOOD
AND THE MARINE
was affixed and was authenticated
by the Signature of:**

WITNESS: _____

ADDRESS: _____

OCCUPATION: CIVIL SERVANT

SIGNED on behalf of Licensee

in the presence of:

WITNESS: _____

ADDRESS: _____

OCCUPATION: _____

A person so authorised under Section
15(1) of the Ministers and Secretaries
Act, 1924 to authenticate the seal of
the Minister.

SCHEDULE 1

Schedule 1 contains:

- **the co-ordinates of the site based on the Irish National Grid Co-ordinate System and the area of the site**
- **site map(s)**
- **a chart showing the location of the site in relation to the surrounding area.**

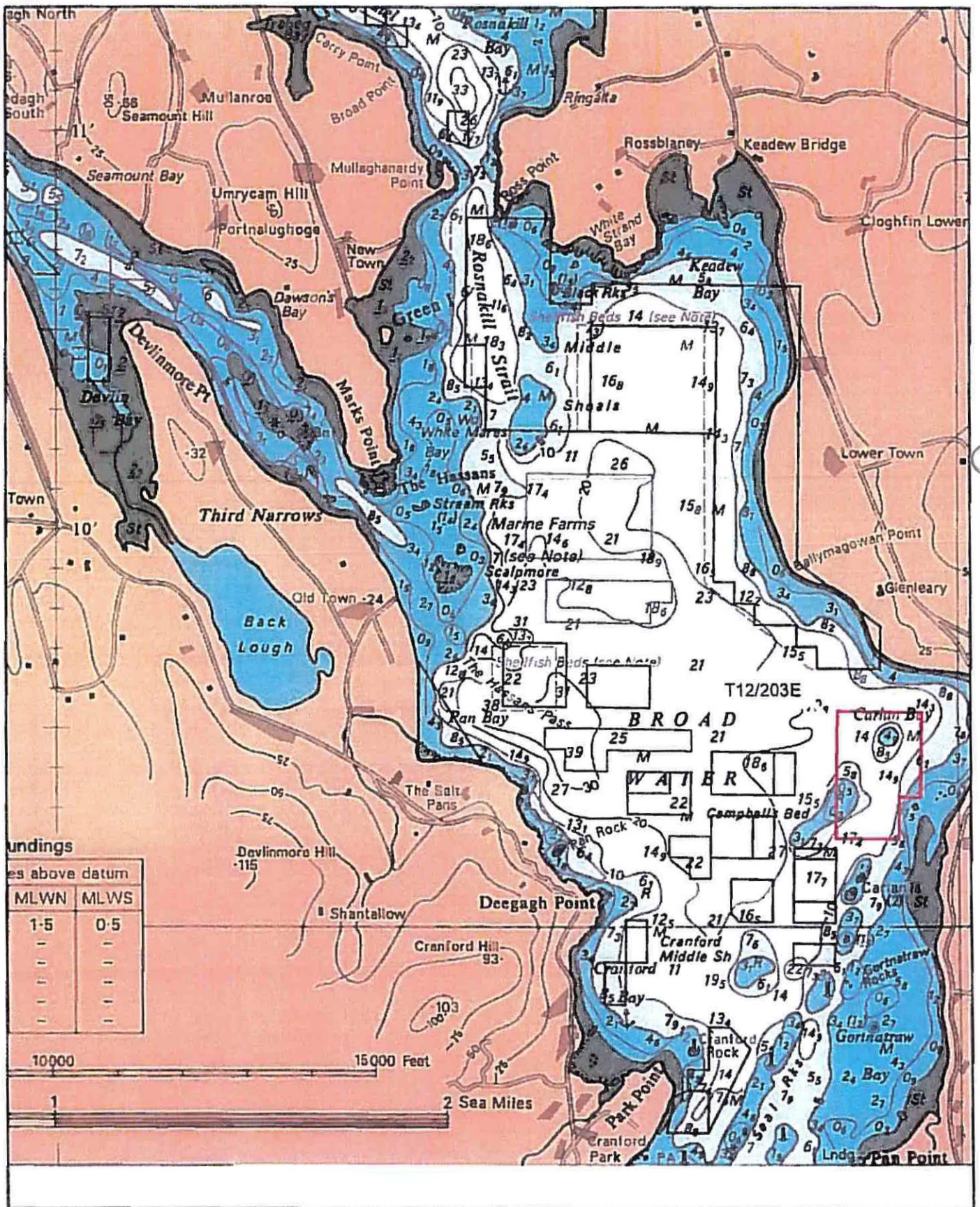
1 NO. SITE AT MULROY BAY CO.DONEGAL

Co-ordinates & Area

Site T12/203E (22 Ha)

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

220700, 434700 to Irish National Grid Reference point
221100, 434700 to Irish National Grid Reference point
221100, 434300 to Irish National Grid Reference point
221000, 434300 to Irish National Grid Reference point
221000, 434100 to Irish National Grid Reference point
220700, 434100 to the first mentioned point.



1:24,000

Sites highlighted in red denotes Application

Part of Admiralty Chart No =2699-0
Not to be used for Navigation

- Aqua Culture Sites**
(all other values)
- Site Status**
- Application
 - Lapsed
 - Licensed
 - Refused
 - Revoked
 - Surrendered
 - Withdrawn



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

220000

221000

435000

435000

434000

434000









T12/203E

D W A T E R

220000

221000

Aqua Culture Sites
<all other values>

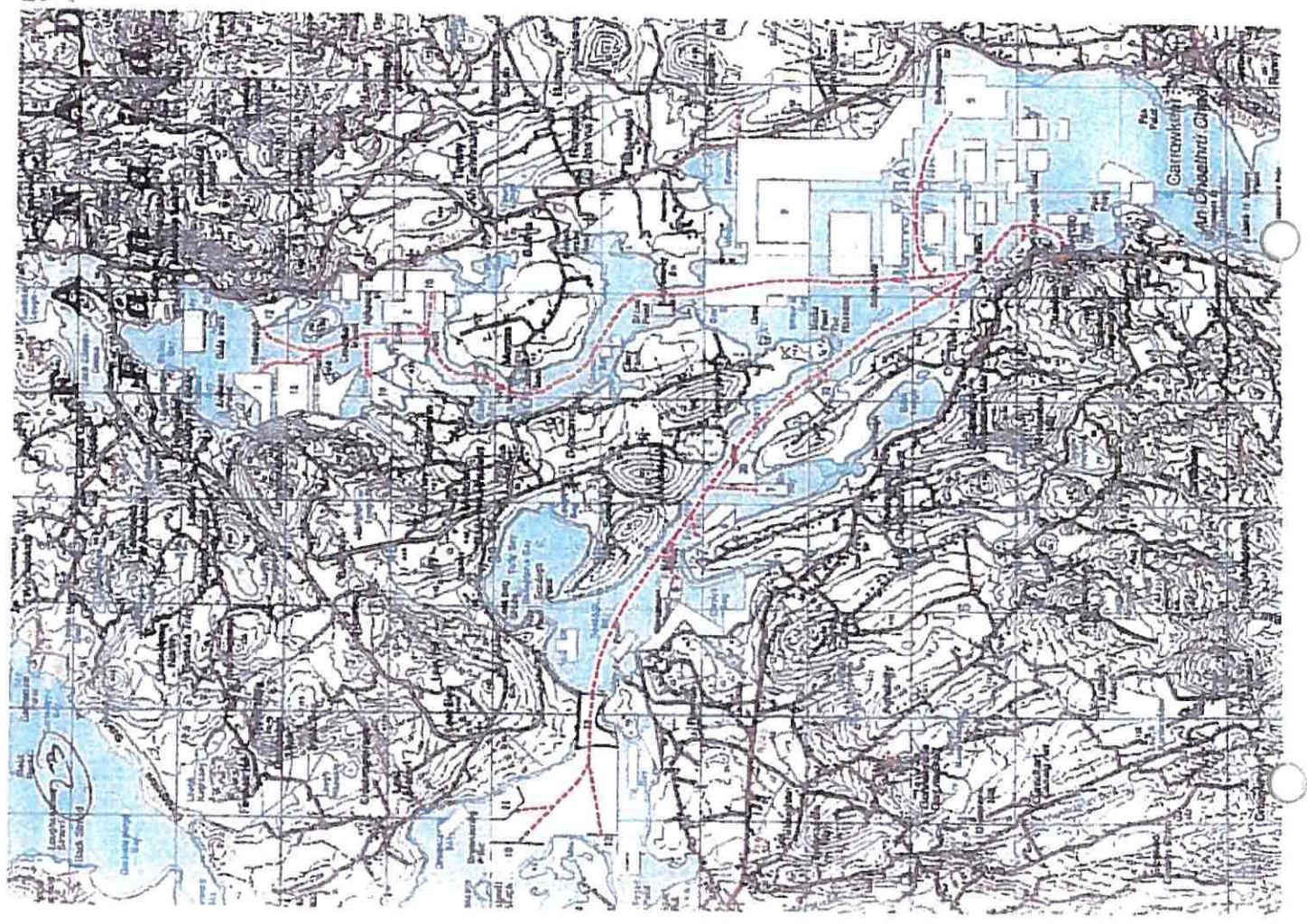
- Site_Status
-  Application
 -  Lapsed
 -  Licensed
 -  Refused
 -  Revoked
 -  Surrendered
 -  Withdrawn
 -  100 Meter Reference Grid

1:10,560

Ordnance Survey Ireland Licence No. EN 0076413
 © Ordnance Survey Ireland/Government of Ireland
 Sites highlighted in red denotes Application



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



PROJECT: **ENVIRONMENTAL AND SOCIAL IMPACT STATEMENT FOR THE PROPOSED BURNING CLAMP**
 DATE: 15/10/2024
 DRAWN BY: [REDACTED]
 CHECKED BY: [REDACTED]
 SCALE: 1:50,000
 SHEET NO: 1
 SHEET TOTAL: 22

Ma Hugh Planning & Design
Ma Anthe Pheola & Dainagh
 Engineers, Architects, Planners,
 Surveyors, Environmentalists,
 Agricultural, Horticultural, Landscape, etc. Engineers



SERVICES CENTER ACCESS POINTS FROM CLAMP PER TO WITH

SITE NO.	SITE REF.
1	T12/203A
2	T12/203B
3	T12/203C
4	T12/203D
5	T12/203E
6	T12/203F
7	T12/203G
8	T12/203H
9	T12/203K
10	T12/203L1
11	T12/203L2
12	T12/203L3
13	T12/203L4
14	T12/307A
15	T12/307B
16	T12/307C
17	T12/307D
18	T12/307E
19	T12/307F
20	T12/307G1
21	T12/307G2
22	T12/307G3



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

T12/203E

AQUACULTURE LICENCE

AQUACULTURE MARINE SHELLFISH
INTER/SUB-TIDAL
(Structures e.g. trestles)

North West Shell Fish Ltd

Upper Carrick

Carrigart

Letterkenny

Co. Donegal

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T12/203E

AQUACULTURE LICENCE NO. XXXX

GRANTED UNDER THE FISHERIES (AMENDMENT) ACT, 1997 (NO. 23 of 1997)

The Minister for Agriculture, Food and the Marine (hereinafter referred to as the "Minister"), in exercise of the powers conferred on him by the Fisheries (Amendment) Act, 1997 (No. 23 of 1997) (hereinafter referred to as the "Act"), grants an Aquaculture Licence to:

North West Shell Fish Ltd
Upper Carrig
Carrigart
Letterkenny
Co. Donegal

(hereinafter referred to as the "Licensee") for the cultivation of **Scallops** on a site in **Mulroy Bay, Co. Donegal** as specified in Schedule 1 attached (numbered T12/203E) and indicated by a red line on the attached map in accordance with the plans and drawing(s) in Schedule 2 attached as approved of by the Minister, subject to the Act and Regulations made under the Act and to the terms and conditions set out in the attached pages.

This Aquaculture Licence shall remain in force for a maximum period of ten (10) years commencing on **XXXX XXXXX XXXX**, provided for so long as the Foreshore Licence granted on **XXXX XXXXX XXXX**, under Section 3(1) of the Foreshore Act 1933 (No.12 of 1933) in respect of the same site for the purpose referred to is in force.

A person authorised under Section 15(1)

of the Ministers and Secretaries Act 1924 to authenticate the Seal of the Minister for Agriculture, Food and the Marine.

TERMS AND CONDITIONS APPLYING TO THIS AQUACULTURE LICENCE

1. Licensed Area

- 1.1 The area specified in *Schedule 1* attached (22 hectares) (labelled T12/203E) and outlined in red on the map(s) in *Schedule 1*.
- 1.2 The co-ordinates for the site are based on the Irish National Grid Co-ordinate System.

2. Species, Cultivation and Method Licensed

- 2.1. Species to be farmed: *Scallops (Pectin Maximus)*.
- 2.2. Method: *Intensive ropes, trays and lantern nets*.
- 2.3. The introduction of seed to the site shall comply with the legislation relating to fish health.

3. Infrastructure and Site Management

Indemnity

- 3.1. The Licensee shall indemnify and keep indemnified the State, the Minister, his officers, servants or agents against all actions, loss, damage, costs, expenses and any demands or claims howsoever arising in connection with the construction, maintenance or use of any structures, apparatus, equipment or any other thing used in connection with the licensed operation in the licensed area or in the exercise of the rights granted under the licence and the Licensee shall take such steps as the Minister may specify in order to ensure compliance with this condition.
- 3.2. The duty of maintenance and responsibility for the upkeep and safety of the site rests with the Licensee.

Design, Arrangement and Maintenance of Structures

- 3.3. The Licensee shall ensure that the equipment (including all flotation, mooring and anchoring devices) is placed within the licensed area only. Storage or placement of equipment or stock on the foreshore or seashore outside the licensed area is not permitted under any circumstances.
- 3.4. The Minister may direct as to the deployment of apparatus and flotation devices and their colour, within the site.

- 3.5. The Licensee shall obtain the prior approval of the Minister to any proposed material change to the plan/drawings or equipment as approved being used during the licensing period as specified in *Schedule 2* attached.
- 3.6. The Licensee shall at all times for the duration of the licence keep all equipment used for the purposes of the licensed operations in a good and proper state of repair and condition to the satisfaction of the Minister or other competent State authority.
- 3.7. The Licensee shall ensure that each trestle grouping/pole and all flotation and mooring devices in the licensed area legibly bear the Aquaculture Licence Number in an indelible weatherproof format.

Operational Conduct

- 3.8. The Licensee shall conduct its operations in a safe manner and with regard for other persons in the area and the environment and shall ensure that the operations are not injurious to adjacent lands or the public interest (including the environment) and do not interfere with navigation or other lawful activity in the vicinity of the licensed area, and shall comply with any lawful directions issued by the Minister and any other competent State authority in that regard.
- 3.9. The Licensee shall ensure that any aquaculture or other activity conducted under this licence does not adversely affect the integrity of the Natura 2000 network (if applicable) through the deterioration of natural habitats and the habitats of species and/or through disturbance of the species for which the area has been designated in so far as such a disturbance may be significant in relation to the stated conservation objectives of the site concerned.
- 3.10. The Licensee shall ensure that tractors (or other vehicles) accessing and leaving the site adhere strictly to approved access and egress routes as specified in *Schedule 1* attached. Full compliance is required in order to minimise disturbance to the foreshore and habitat. All drivers shall be made fully aware of the specific route approved.
- 3.11. The Licensee shall ensure that journeys back and forth on the approved access and egress routes are kept to the minimum necessary.
- 3.12. The Licensee shall ensure that all tractors/towing vehicles to be used for aquaculture purposes on the foreshore are fitted with efficient exhaust/silencers/mufflers and that vibration noise from tractors and machinery is kept to a minimum.
- 3.13. The Licensee shall ensure that all vehicles are properly maintained so as to prevent leakages of oils, fuels, grease etc.
- 3.14. The Licensee shall ensure that all vehicles move slowly at all times on the foreshore, that engine revolution is kept to a minimum and that engines are turned off when not in use.
- 3.15. The Licensee shall ensure that if more than one vehicle is needed on the shore that all vehicles, where possible, arrive and depart together.

- 3.16. The Licensee shall so organise its operations in consultation with other licensed operators to ensure that the total number of vehicles and harvesting machines on the foreshore on any one day is kept to the minimum necessary.
- 3.17. The Licensee shall ensure that when carrying out aquaculture work on the foreshore, dogs owned or under the control of the Licensee shall not be present, in order to minimise disturbance to the birdlife in the area.
- 3.18. The Licensee shall ensure that best practice is employed to keep structures and netting clean at all times and any biofouling by alien invasive species shall be removed and disposed of in a responsible manner. In particular, in 'Natura 2000' sites care must be taken to ensure that any biofouling by alien invasive species will not pose a risk to the conservation features of the site. Measures to be undertaken are set out in the draft Marine Code of Practice prepared by Invasive Species Ireland and can be found on the web site at: <http://invasivespeciesireland.com/>.

Waste Management

- 3.19. The Licensee shall ensure that the licensed and adjoining area shall be kept clear of all redundant structures (including apparatus, equipment and/or uncontained stock), waste products and operational litter or debris and shall make provision for the prompt removal and proper disposal of such material. If the Licensee refuses or fails to do so, the Minister may cause the said structures, apparatus, equipment or other thing to be removed and the licensed area restored and shall be entitled to recover from the Licensee as a simple contract debt in any court of competent jurisdiction all costs and expenses incurred by him in connection with the removal and restoration.

Inspection

- 3.20. The licensed area and any equipment, structure, thing, or premises wherever situated used in connection with operations carried out in the licensed area shall be open for inspection at any time by an authorised person (within the meaning of Section 292 of the Fisheries (Consolidation) Act 1959) (No. 14 of 1959) (as amended by Fisheries Act 1980) (No. 1 of 1980), a Sea Fisheries Protection Officer (within the meaning of Sea Fisheries and Maritime Jurisdiction Act 2006) (No. 8 of 2006) or any other person appointed in that regard by the Minister or other competent State authority.
- 3.21. The Licensee shall give all reasonable assistance to an authorised officer or a Sea Fisheries Protection Officer or any person duly appointed by any competent State authority to enable the person or officer enter, inspect, examine, measure and test the licensed area and any equipment, structure, thing or premises used in connection with the operations carried out in the licensed area and to take whatever samples may be deemed appropriate by that person or officer.
- 3.22. The Licensee shall keep and maintain in the State for inspection on demand by the Minister or a competent State authority, at all times, records of all operations including compliance monitoring and any required follow up action. These records shall be produced by the Licensee on demand by the Minister or other competent

State authority and in any event not later than 24 hours from the making of that demand.

- 3.23. The Licensee shall furnish to the Minister or other competent State authority in the form and at the intervals determined by the Minister or other competent State authority, such information relating to the licensed area as may be required to determine compliance by the Licensee with the terms of this licence and applicable legislation.

4. **Navigation and Safety**

- 4.1. The Licensee shall ensure that Statutory Sanction from the Commissioners of Irish Lights is in place prior to the commencement of operations, regarding all aids to navigation. Statutory Sanction forms are available at <http://www.cil.ie/safety-navigation/statutory-sanction.aspx>.
- 4.2. The Licensee shall ensure that the site is marked in accordance with the requirements of both the Marine Survey Office and the Commissioners of Irish Lights as specified in *Schedule 3*.
The navigation marking detail is as illustrated in *Schedule 3*.
- 4.3. The Licensee shall comply with any specification requirement relating to navigational aids, flotation and mooring devices, supporting/marking posts/poles, as required by the Minister or any other competent State authority.
- 4.4. Prior to commencement of operation the Licensee shall inform the UK Hydrographic Office at Taunton, of the location and nature of the site in order that charts and nautical publications can be updated. Tel: 00 44 1823337900 Fax: 00 44 1823 284077 Email: sdr@ukho.gov.uk the Licensee shall submit proof to the Department within 14 days of the date of this licence that the UK Hydrographic Office has been so informed.

5. **Monitoring**

- 5.1. The Licensee shall undertake and/or partake in monitoring, in particular environmental monitoring, as directed by the Minister or other competent State authority.

6. **Fish Health / Mortality Management / Movement of Fish**

Fish Health Regulations

- 6.1. Before the site is stocked the Licensee shall ensure that a Fish Health Authorisation under statutory provisions giving effect to Council Directive No. 2006/88/EC, as amended, or any other legislative act that replaces that Directive on animal health requirements for aquaculture animals and their products, and on the prevention and control of certain diseases in aquatic animals, is in place.

Disposal of Mortalities

- 6.2. The Licensee shall dispose of dead fish in accordance with the applicable statutory provisions and requirements.

Movement of Fish

6.3. The Licensee shall comply with any regulations in force governing the movement of fish.

7. Duration, Cessation, Review, Revocation, Amendment, Assignment

Duration, Cessation

7.1. This Licence shall remain in force until XX XXXX XXXX and as long as the accompanying Foreshore Licence remains in force.

Review

7.2. The Licensee may apply for a review of the licence at any time after the expiration of three years since the granting of the licence or its last renewal in accordance with section 70 of the Act.

Revocation, Amendment

7.3. Subject to the Act, the Minister may revoke or amend the licence if:-

- (a) he considers that it is in the public interest to do so,
- (b) he is satisfied that there has been a breach of any condition specified in the licence e.g., operating outside the licensed area,
- (c) the licensed area to which the licence relates is not being properly maintained,
- (d) water quality results or general performance in the licensed area do not meet the standards set by the Minister or the competent State authority.

Assignment

7.4. This Licence shall not be assigned without the prior written consent of the Minister and may not be assigned during the period of three years, dating from the commencement or renewal of this licence, unless the Minister determines that it may be assigned under condition 7(5) or the condition set out in 7(6) applies.

7.5. A Licensee, who considers that there are exceptional reasons for the assignment of the Licence during the first three years, may apply to the Minister, giving those reasons, for a determination that the Licence may be assigned. The Minister may, at his discretion, having considered the reasons given by the Licensee, determine whether or not the Licence may be assigned. The determination of the Minister in this regard is final.

7.6. Where the Licensee is a company (within the meaning of the Companies Acts) and goes into Liquidation (within the meaning of the Companies Acts) in the first three years dating from the commencement of the licence, the Liquidator shall, with the consent of the Minister, be entitled to assign the licence to enable him to discharge any debts of the liquidated company.

7.7. This licence is issued subject to any order that the High Court may make under section 218 of the Companies Act 1963 or otherwise with regard to the assignment of this licence.

8. Fees

- 8.1. The Licensee shall pay to the Minister an annual aquaculture licence fee in accordance with the Aquaculture (Licence Application and Licence Fees) Regulations 1998(S.I. No. 270/1998) as amended by the Aquaculture (Licence Fees) Regulations 2000 (S.I. No. 282 of 2000) or an amount payable under Regulations made under section 64 of the Act.
- 8.2. The Minister may revoke the licence where the Licensee fails to pay the aquaculture licence fees on demand.

9. **General Terms and Conditions**

- 9.1. The Licensee shall at all times comply with all laws applicable to aquaculture operations.
- 9.2. Any reference to a statute or an act of an institution of the European Union (whether specifically named or not) includes any amendments or re-enactments in force and all statutory instruments, orders, notices, regulations, directions, bye-laws, certificates, permissions and plans made, issued or given effect under such legislation shall remain valid.
- 9.3. If any condition or part of a condition in this licence is held to be illegal or unenforceable in whole or in part, such condition shall be deemed not to form part of this licence but the enforceability of the remainder of this licence is not affected.
- 9.4. The Licensee shall at all times hold all necessary licences, consents, permissions, permits or authorisations associated with any activities of the Licensee in connection with the licensed area.

Notification

- 9.5. Without prejudice to any other remedy under the licence or in law, if the Minister is of the view that the Licensee is in breach of any obligation under this licence, the Minister may, by notice in writing, require that the Licensee rectifies such breach, within such time as is specified by the Minister. The Licensee shall comply with any direction of the Minister within the time specified in the notice.
- 9.6. Any notice to be given by the Minister may be transmitted through the Post Office addressed to the Licensee at the last known address of the Licensee.
- 9.7. The Licensee shall notify the Minister within 7 days of any change in the Licensee's address, telephone, e-mail or facsimile number.

Tax Clearance Certificate

- 9.8. During the term of this licence the Licensee shall provide to the Minister on demand a current tax clearance certificate.

Companies and Co-operatives

- 9.9. In the event of the licence being granted to a company (within the meaning of the Companies Acts), control of the licensee company shall not change in any respect from the control of the company as existed on the date that the licence was granted

so long as this licence shall remain in force save with the prior written permission of the Minister.

- 9.10. In the event of a licence being granted to a company that has been incorporated outside this State, the licensee company shall register with the Companies Registration Office within one month of the establishment of a place of business in the State or alternatively, within one month of the establishment of a branch of the said company in the State and the licensee company shall submit proof to the Department within 14 days of the end of that month that it has been so registered.
- 9.11. Where the licensee is a company within the meaning of the Companies Acts, the licensee company shall ensure that it does not become dissolved within the meaning of the Companies Acts for so long as this licence shall remain in force.
- 9.12. In the event of the licence being granted to a society (within the meaning of section 2 of the Industrial and Provident Societies (Amendment) Act 1978 (No.23 of 1978) the following conditions shall apply:-
 - 9.12.1. The rules relating to membership of the society shall enable any resident of the State to become a member of it where the resident fulfils all the conditions laid down by the society for membership of it and the rules shall not lay down different conditions for different classes of people;
 - 9.12.2. The rules relating to the society as submitted to the Minister before the grant of this licence shall not be amended subsequently other than with the written permission of the Minister; and
 - 9.12.3. The Minister may, if he considers it necessary in the interests of good management of the licensed area, direct that an amendment may be made to the rules of the society, and the Licensee shall amend the rules in accordance with that direction.

Clearance of Site

- 9.13. The Licensee shall, at the Licensee's own expense, if so required by written notice from the Minister and within three weeks after receipt of such notice or on cessation of the licence for any other cause, remove the structures, apparatus, equipment or any other thing to the satisfaction of the Minister. If the Licensee refuses or fails to do so, the Minister may cause the said structures, apparatus, equipment or other thing to be removed and the licensed area restored and shall be entitled to recover from the Licensee as a simple contract debt in any court of competent jurisdiction all costs and expenses incurred by him in connection with the removal and restoration. The Licensee shall take such steps as the Minister may specify in order to secure compliance with this condition.

SCHEDULE 1

Schedule 1 contains:

- **the co-ordinates of the site based on the Irish National Grid Co-ordinate System and the area of the site**
- **site map(s) which also shows the access/egress route to and from the site**
- **a chart showing the location of the site in relation to the surrounding area.**

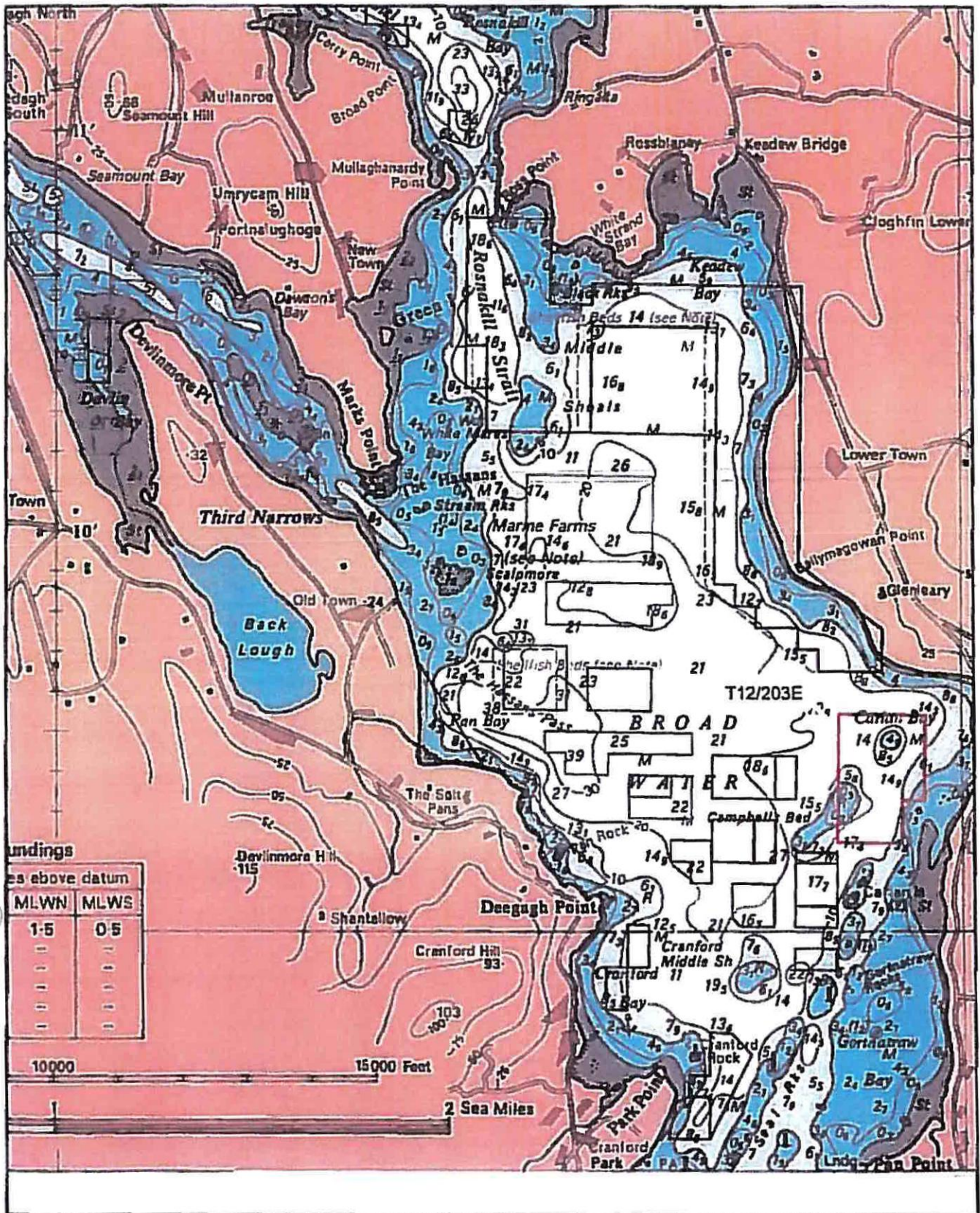
1 NO. SITE AT MULROY BAY CO.DONEGAL

Co-ordinates & Area

Site T12/203E (22 Ha)

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

220700, 434700 to Irish National Grid Reference point
221100, 434700 to Irish National Grid Reference point
221100, 434300 to Irish National Grid Reference point
221000, 434300 to Irish National Grid Reference point
221000, 434100 to Irish National Grid Reference point
220700, 434100 to the first mentioned point.



1:24,000

Aqua Culture Sites
(all other values)

Site Status

- Application
- Lapsed
- Licensed
- Revoled
- Surrendered
- Withdrawn

Sites highlighted in red denotes Application

Part of Admiralty Chart No =2699-0
 Not to be used for Navigation



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

220000

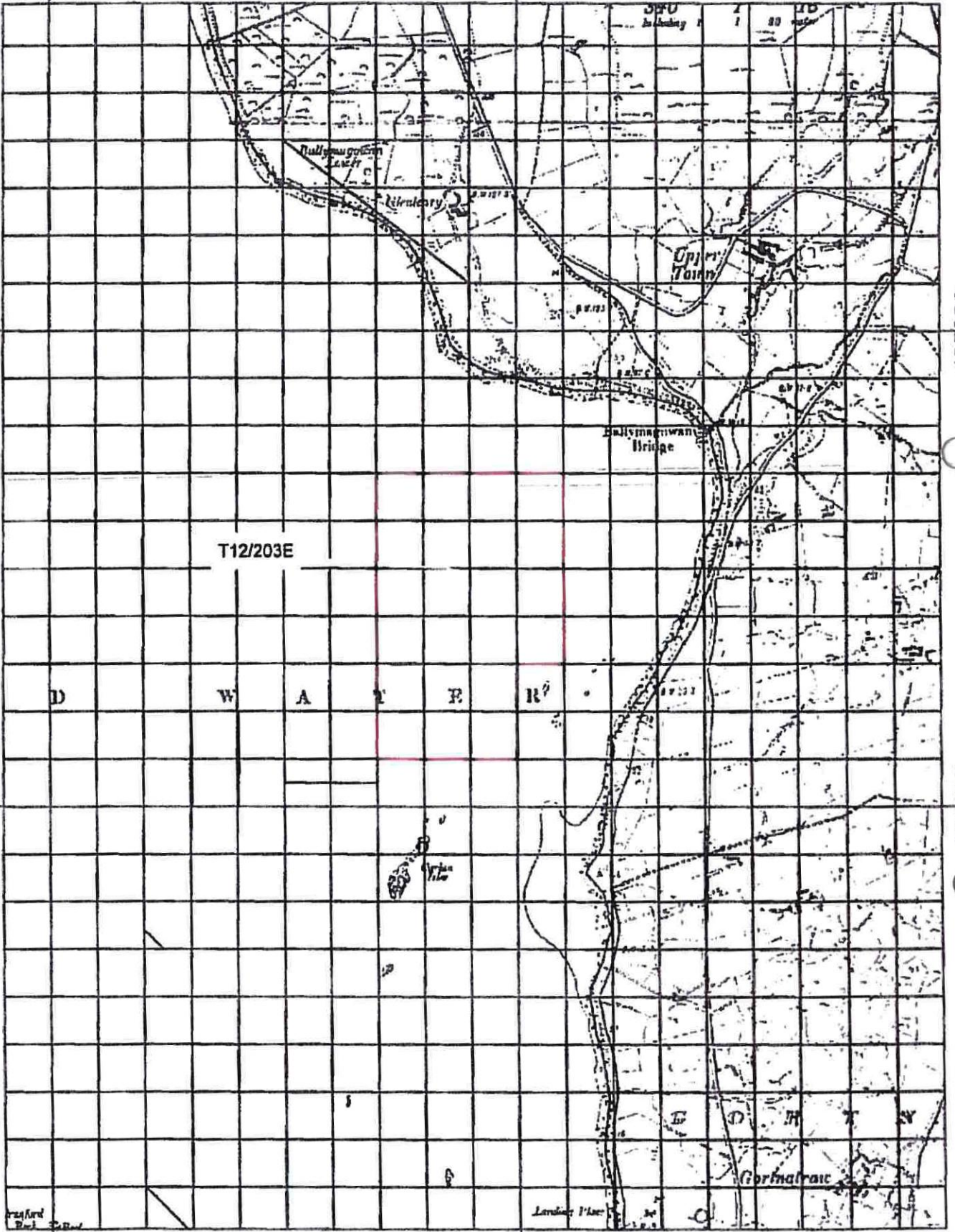
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435000

434000








435000

434000



220000

221000

- Aqua Culture Sites**
all other values
- Site Status**
-  Application
 -  Licensed
 -  Rejected
 -  Revisited
 -  Surrendered
 -  Withdrawn
 -  100 Meter Referential Grid

1:10,560

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 Sites highlighted in red denotes Application



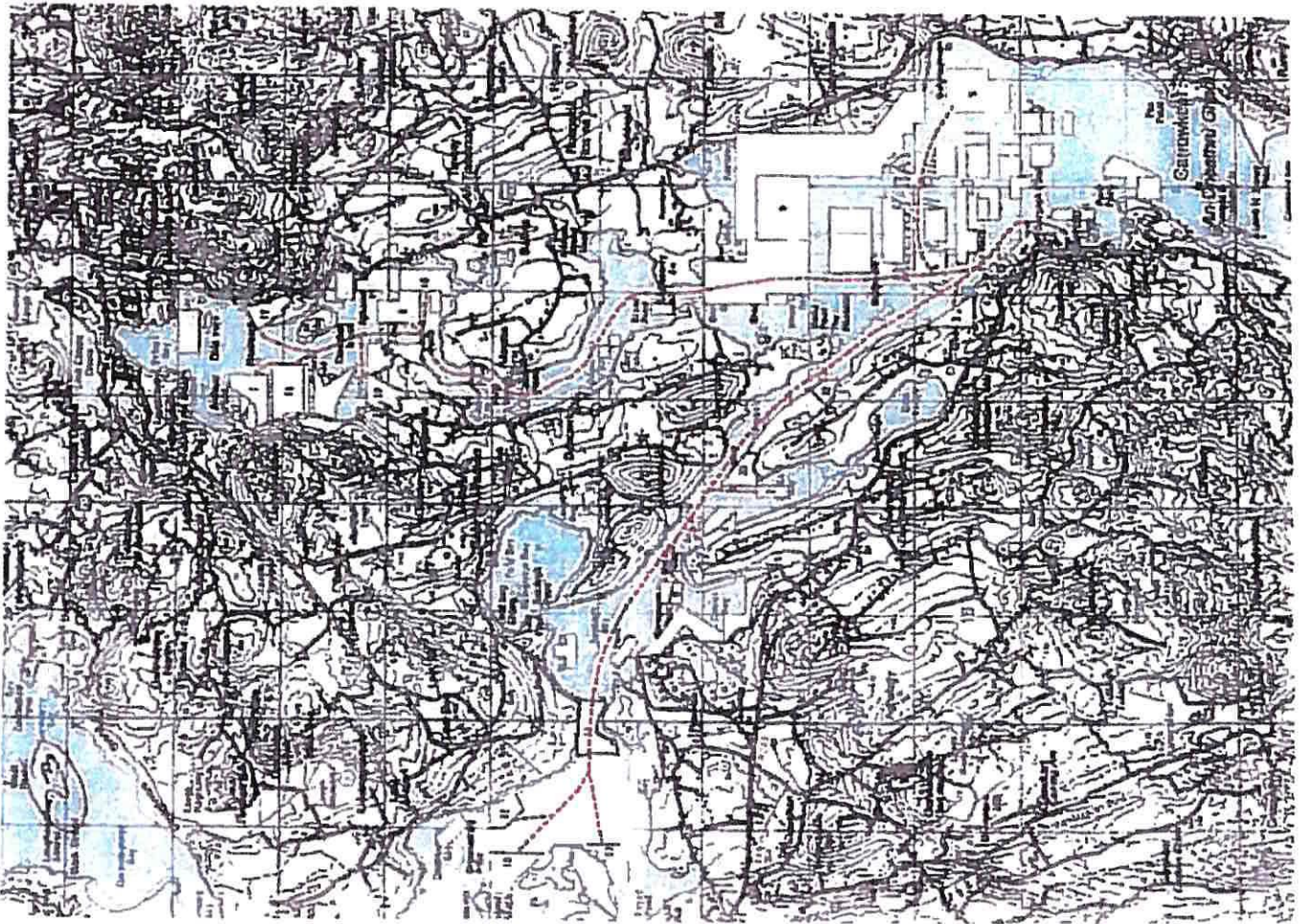
Department of
**Agriculture,
 Food and the Marine**
 A Roinn
 Talmhaíochta,
 Bia agus Mara

PROJECT	Highway 101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200
DATE	10/20/2018
SCALE	1" = 100'
PROJECT NO.	18-00000-0001
SHEET NO.	1
TOTAL SHEETS	22
DATE PLOTTED	10/20/2018
PLOTTED BY	J. [Name]
CHECKED BY	[Name]
APPROVED BY	[Name]
DESIGNED BY	[Name]
DRAWN BY	[Name]
CHECKED BY	[Name]
APPROVED BY	[Name]

Site High Planning & Design
 10000 101st Avenue, Suite 100
 San Diego, CA 92121
 Phone: (619) 455-1000
 Fax: (619) 455-1001
 Website: www.sitehigh.com



PERMITTED EXISTING ACCESS POINT
 FROM GARLAND ROAD TO SITE



SITE NO	SITE REF
1	T12/203A
2	T12/203B
3	T12/203C
4	T12/203D
5	T12/203E
6	T12/203F
7	T12/203G
8	T12/203H
9	T12/203I
10	T12/203J
11	T12/203K
12	T12/203L
13	T12/203M
14	T12/203N
15	T12/203O
16	T12/203P
17	T12/203Q
18	T12/203R
19	T12/203S
20	T12/203T
21	T12/203U
22	T12/203V

SCHEDULE 2

Schedule 2 contains:

- **the approved plans and drawing(s)**

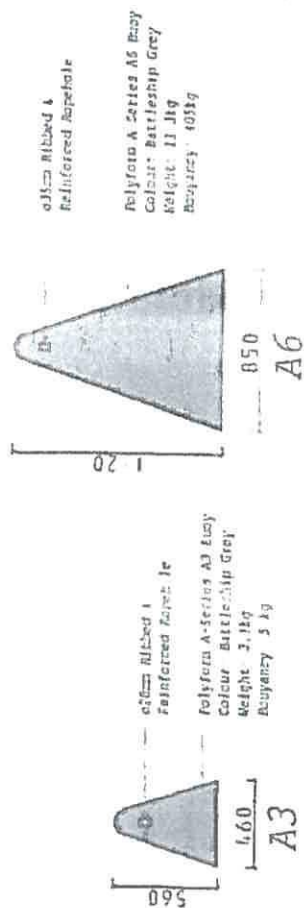
APPLICANT: NORTH WEST SHELL FISH LTD

SITE: T12/203E

LICENCE AREA = 22.0 Hectares

All Dimensions Are In Metres

Scale 1/500

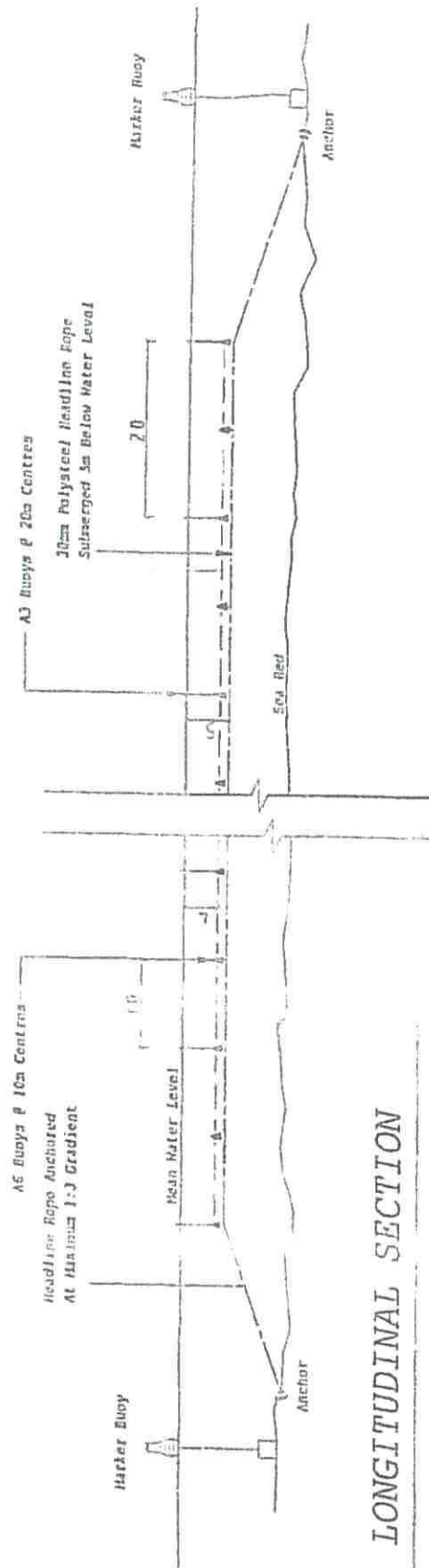


BUOY DETAIL

Dimensions In Millimetres

Scale 1/2

Sho. Longlines To Be Spaced
At 80m Intervals Within Site



LONGITUDINAL SECTION

SCHEDULE 3

Schedule 3 contains:

- Clearance of 50m from site corners(boat clearance),
- 5 no. 400m submerged longlines spaced 80m apart Float spacing no less than 20m apart in battleship grey
- End anchors at site marked by marker buoys no less than m apart & battleship grey in colour
- The licensee shall engage with and comply with the CLAMS scheme for aids to navigation in the bay (which comply with CIL/MSO requirements)
- The licensee secures Statutory Sanction from the Commissioner of Irish Lights for the aids to navigation required by the Marine Survey Office. These aids should be in place before development on the site commences.
- The size and specification of aids to navigation should be of the design and specification approved by the MSO and must be agreed in advance with the Commissioners of Irish Lights.
- The licensee informs the UK Hydrographic Office at Taunton of the development's geographical position in order to update nautical charts and other publications.

SCHEDULE 4

Schedule 4 contains:

- **No sinking of longlines and removal of lines in between growing/nursery periods**
- **The source of seed, where applicable, must be approved by the Department of Agriculture Food and the Marine.**
- **The Licensee is required to prepare a Contingency Plan for the approval of the Department of Agriculture Food and the Marine which should identify, inter alia, methods for the removal from the environment of any non-target species introduced as a result of operation at this site.**
- **The access route over the intertidal habitat must be strictly adhered to, in order to minimise habitat disturbance.**



"Determination of Aquaculture/ Foreshore Licensing application – T12/203E

North West Shell Fish Ltd, Upper Carrick, Carrigart, Letterkenny, Co. Donegal has applied for Aquaculture / Foreshore Licences for the purpose of cultivating Scallops, Mussels, Native Oyster, Pacific Oyster, Soft Shell Clam, Native Clam, Prairie Clam, Periwinkle, Common Cockle, Ormer or Abalone, Sea Urchin and Seaweed cultures in relation to a 22 hectare site on the foreshore in the Broad Water area of Mulroy Bay, Co. Donegal. The applicant later withdrew the Abalone application. Site has been previously used for scallop culture only as a scallop nursery site to which seed is transferred from the spat collection areas for rearing in lantern nets (or trays) suspended from longlines.

The Minister for Agriculture, Food and the Marine has determined that it is in the public interest to grant a variation on the licences sought - only Scallop culture (nursery) using longlines and lantern nets will be permitted. None of the other species / cultures applied for are being permitted. The reason for this is to mitigate the negative visual impact that would result if the site were to be developed in full, both from a stand alone and in cumulative impact terms - this is further elaborated at (g) below.

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 submission and observations received in accordance with statutory provisions.

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

- a) Scientific advice is to the effect that the waters are suitable. The site is located within Mulroy Bay Shellfish Designated Waters. Scallops in these waters currently have a "B" Classification;
- b) This is a renewal/review application for existing aquaculture activity in Mulroy Bay and public access to recreational and other activities is already accommodated by this project;
- c) The continuation of aquaculture at this location should have a positive effect on the economy of the local area;
- d) All issues raised during Public and Statutory consultation phase;
- e) There are no effects anticipated on the man-made environment heritage of value in the area;
- f) Significant impacts on the general environment are not considered likely. No chemicals or hazardous substances will be used during the production process;
- g) Visual impact - Technical advice is that if the site were to be developed in full in accordance with the application, utilising 10 longlines and heavy utilisation, there would be substantial scale visual impact from certain public views, both in stand alone and cumulative impact terms. Keeping the development at a lower level of intensity mitigates visual impact. This is being achieved by limiting the amount and type of structures permitted, for example, submerged longlines with a minimum spacing of 80 metres apart, maximum of 5 no 400 metre long lines, scallop culture only (to keep development intensity at a manageable level), surface flotation units no larger than A3 buoys and float colour battleship grey only;
- h) The site is located within the Mulroy Bay SAC. An Article 6 Assessment has been carried out in relation to aquaculture activities in the SAC. The Licensing Authority's Conclusion Statement (available on the Department's website) outlines how aquaculture activities in this SAC, including this site, are being licensed and managed so as not to significantly and adversely affect the integrity of the Mulroy Bay SAC;
- i) Taking account of the findings of the appropriate assessment no significant habitats issues arise in relation to this site;



j) A licence condition requiring full implementation of the measures set out in the draft Marine Aquaculture Code of Practice prepared by Invasive Species Ireland;

k) The updated and enhanced Aquaculture and Foreshore licences contain terms and conditions which reflect the environmental protection required under EU and National law."



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



Ref: T12/203A,B,C,D,E,F,G,H,J,K,L & T12/387A,B,C,D,E,F,G

North West Shellfish Ltd
Upper Carrick
Carrigart
Letterkenny,
Co. Donegal

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

Dear Mr Gallagher,

I would like to inform you that the Minister For Agriculture, Food and the Marine has approved the granting a **grant** to you for 9 (nine) 10-year Aquaculture Licences and accompanying Foreshore Licences, for the cultivation of aquaculture on sites No: T12/203A, T12/203B, T12/203C, T12/203D, T12/203G, T12/203J, T12/387A, T12/387B, & T12/387C, to **grant a variation** for 10 (ten) 10-year Aquaculture Licences and accompanying Foreshore Licences, for the cultivation of aquaculture on sites No:T12/203F, T12/203H, T12/203K, T12/387D, T12/203E, T12/387E, T12/387F, T12/387G1, T12/387G2, T12/387G3 and **refuse to grant** 4 (four) Aquaculture Licences and accompanying Foreshore Licences, for the cultivation of aquaculture on sites No:T12/ 203L1, T12/203L2, T12/203L3 &T12/203L4 enclose an extract of the public notice of the decision which **the Department** has arranged to have published in the "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.

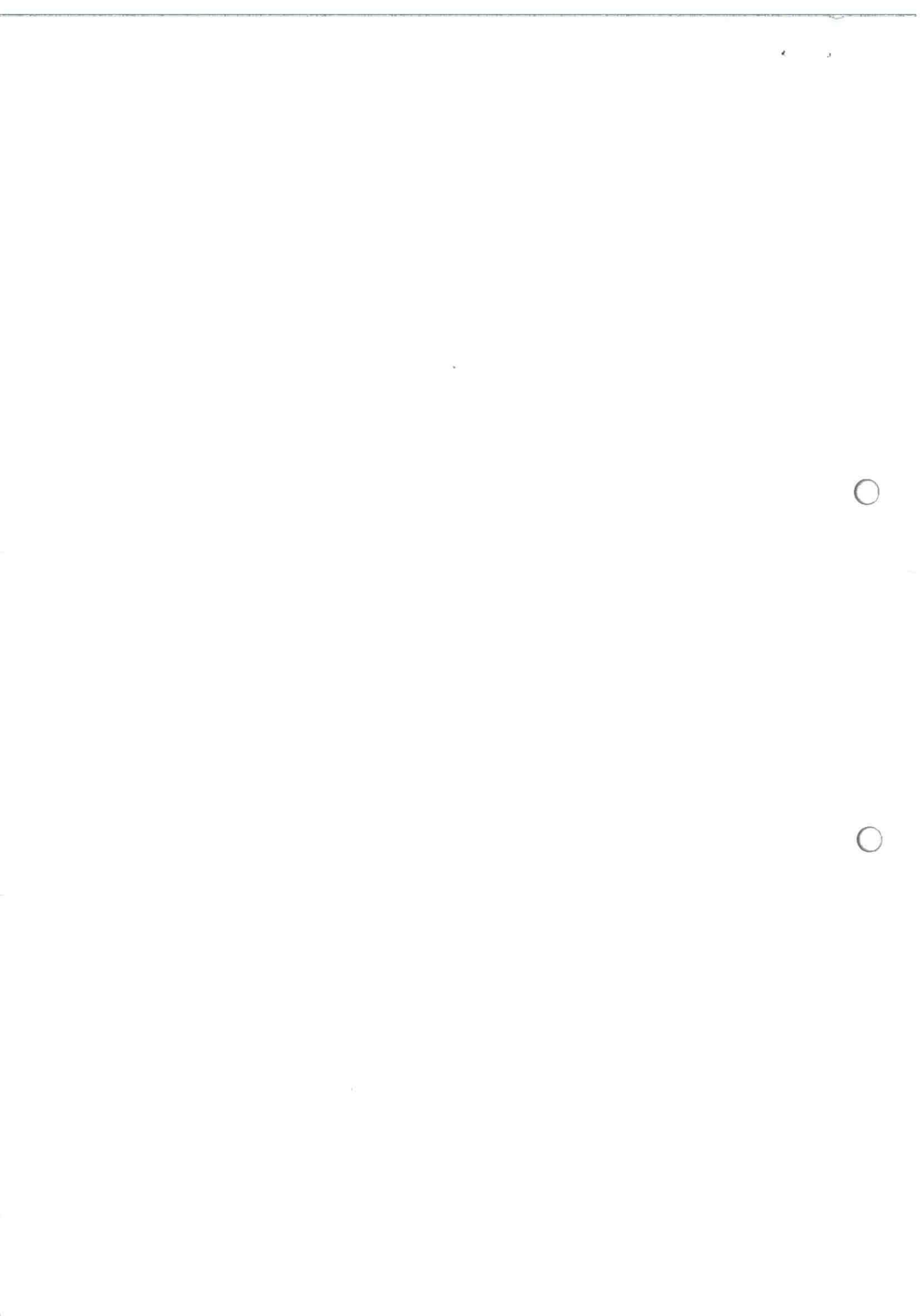
In addition, a person may question the validity of the Foreshore Licence determination by way of an application for judicial review, under Order 84 of the Rules of the Superior Court (SI No. 15 of 1986). Practical information on the review mechanism can be obtained from the Citizens Information Board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

The Licences will be issued to you as soon as possible after the end of the period of one month from the date of publication of the notice in the "Donegal Democrat", if there is no appeal.

Please also find enclosed the conditions that will apply to any Aquaculture Licence that may be issued by the Minister.

Yours sincerely

Eileen Maher
Aquaculture and Foreshore Management Division
26/10/2018



**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: T12/203A, T12/203B, T12/203C, T12/203D, T12/203G,
T12/203J, T12/387A, T12/387B, & T12/387C

APPLICANT: Northwest Shellfish Ltd

**AQUACULTURE TO WHICH
DECISION RELATES:**

T12/203A – Scallop Spat Collection using netlon bags on longlines – 9.425ha
T12/203B - Scallop Spat Collection using netlon bags on longlines – 10ha
T12/203C – Scallops using extensive Bottom Culture – 6.9ha
T12/203D – Scallops and Native Oysters using Bottom Culture – 9ha
T12/203G – Scallops using extensive Bottom Culture – 3ha
T12/203J - Scallops using extensive Bottom Culture – 112ha
T12/387A - Scallops using extensive Bottom Culture – 3.42ha
T12/387B - Scallops using extensive Bottom Culture – 1.692ha
T12/387C – Scallops using netlon bags on longlines 14.159ha

NATURE OF DECISION: Grant of Aquaculture Licences.

DATE OF DECISION: 05/10/2018

CONDITIONS OF LICENCE: See attached.

DURATION OF LICENCE: 10 years

ISSUE OF LICENCE: The licence will be dated and issued as soon as practicable after the end of the period of one month from the date of publication of a notice in a newspaper circulating in the vicinity of the aquaculture, if no appeal is made to the Aquaculture Licences Appeals Board within that period, under Section 40 and 41 of the Fisheries (Amendment) Act, 1997.

Note: It has been decided to grant the applicant a separate Foreshore Licence under the Foreshore Act, 1933 (No.12), contemporaneous with the Aquaculture Licence, subject to standard conditions applicable to Foreshore Licences.

**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: T12/203F, T12/203H, T12/203K, T12/387D

APPLICANT: Northwest Shellfish Ltd

**AQUACULTURE TO WHICH
DECISION RELATES:**

T12/203F – Scallops using extensive Bottom Culture – 2.49ha

T12/203H - Scallops using extensive Bottom Culture – 1.69ha

T12/203K– Scallops, native oyster, pacific oyster, soft shell clam, native clam, prairie clam, periwinkle, common cockle, sea urchin, Channelled Wrack, Carageen Moss, Dabberlocks or Badderlocks, or Winged Kelp or Atlantic Wakame, Oarweed, Sea Belt and Devils Apron, Nori, Laver, Sloke, Dulse or Dilisk, Sea Lettuce, Sea Spaghetti, Serrated Wrack, Bladder Wrack, Knotted Wrack, Oarweed, Seabelt, Sweet Kombu, Carrageen Moss, Irish Moss, Gutweed, Grass Kelp using extensive Suspended Culture – 30ha

T12/387D – Scallops using extensive Bottom Culture – 5.21ha

NATURE OF DECISION: Grant a Variation of Aquaculture Licences.

DATE OF DECISION: 05/10/2018

CONDITIONS OF LICENCE: See attached.

DURATION OF LICENCE: 10 years

ISSUE OF LICENCE: The licence will be dated and issued as soon as practicable after the end of the period of one month from the date of publication of a notice in a newspaper circulating in the vicinity of the aquaculture, if no appeal is made to the Aquaculture Licences Appeals Board within that period, under Section 40 and 41 if the Fisheries (Amendment) Act, 1997.

Note: It has been decided to grant the applicant a separate Foreshore Licence under the Foreshore Act, 1933 (No.12), contemporaneous with the Aquaculture Licence, subject to standard conditions applicable to Foreshore Licences.

**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: T12/203L

APPLICANT: Northwest Shellfish Ltd

**AQUACULTURE TO WHICH
DECISION RELATES:** T12/203L1, T12/203L2, T12/203L3 & T12/203L4
Scallops using extensive bottom culture – 102ha

NATURE OF DECISION: Refuse to Grant Aquaculture Licences.

DATE OF DECISION: 05/10/2018

CONDITIONS OF LICENCE: See attached.

DURATION OF LICENCE: 10 years

ISSUE OF LICENCE: The licence will be dated and issued as soon as practicable after the end of the period of one month from the date of publication of a notice in a newspaper circulating in the vicinity of the aquaculture, if no appeal is made to the Aquaculture Licences Appeals Board within that period, under Section 40 and 41 of the Fisheries (Amendment) Act, 1997.

Note: It has been decided to grant the applicant a separate Foreshore Licence under the Foreshore Act, 1933 (No.12), contemporaneous with the Aquaculture Licence, subject to standard conditions applicable to Foreshore Licences.

**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: T12/387E

APPLICANT: Northwest Shellfish Ltd

**AQUACULTURE TO WHICH
DECISION RELATES:** T12/387E – Scallops using extensive Bottom
Culture – 10.04ha

NATURE OF DECISION: Grant a Variation of Aquaculture Licences.

DATE OF DECISION: 11/10/2018

CONDITIONS OF LICENCE: See attached.

DURATION OF LICENCE: 10 years

ISSUE OF LICENCE: The licence will be dated and issued
as soon as practicable after the end of the period
of one month from the date of publication of a
notice in a newspaper circulating in the vicinity of
the aquaculture, if no appeal is made to the
Aquaculture Licences Appeals Board within that
period, under Section 40 and 41 of the Fisheries
(Amendment) Act, 1997.

Note: It has been decided to grant the applicant a separate Foreshore Licence under the Foreshore Act, 1933 (No.12), contemporaneous with the Aquaculture Licence, subject to standard conditions applicable to Foreshore Licences.

**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: T12/203E, T12/387F, T12/387G1, T12/387G2,
T12/387G3,

APPLICANT: Northwest Shellfish Ltd

**AQUACULTURE TO WHICH
DECISION RELATES:** T12/203E – Scallops using longlines and lantern
nets– 22ha
T12/387F – Scallops using extensive bottom
culture – 13.94
T12/387G1 – Native Oysters using extensive
Bottom Culture – 3.4167ha
T12/387G2 – Native Oysters using extensive
Bottom Culture – 1.49ha
T12/387G3 – Native Oysters using extensive
Bottom Culture – 1.71ha

NATURE OF DECISION: Grant a Variation of Aquaculture Licences.

DATE OF DECISION: 19/10/2018

CONDITIONS OF LICENCE: See attached.

DURATION OF LICENCE: 10 years

ISSUE OF LICENCE: The licence will be dated and issued
as soon as practicable after the end of the period
of one month from the date of publication of a
notice in a newspaper circulating in the vicinity of
the aquaculture, if no appeal is made to the
Aquaculture Licences Appeals Board within that
period, under Section 40 and 41 of the Fisheries
(Amendment) Act, 1997.

Note: It has been decided to grant the applicant a separate Foreshore Licence
under the Foreshore Act, 1933 (No.12), contemporaneous with the Aquaculture
Licence, subject to standard conditions applicable to Foreshore Licences.

To be inserted in the Donegal Democrat.

FISHERIES (AMENDMENT) ACT, 1997 (NO. 23) FORESHORE ACT, 1933 (NO. 12) NOTICE OF DECISION TO GRANT/GRANT A VARIATION/REFUSE TO GRANT AN AQUACULTURE AND FORESHORE LICENCE.

The Minister for Agriculture, Food and the Marine has decided to grant/grant a variation/refuse to grant an Aquaculture and Foreshore Licence to NorthWest Shellfish Ltd, Upper Carrick, Carrigart, Letterkenny, Co. Donegal REF:

T12/203A, T12/203B, T12/203C, T12/203D, T12/203E, T12/203F, T12/203G, T12/203H, T12/203J, T12/203K, T12/203L1, T12/203L2, T12/203L3, T12/203L4, T12/387A, T12/387B, T12/387C, T12/387D, T12/387E, T12/387F, T12/387G1, T12/387G2 & T12/387G3 for the cultivation of Aquaculture on sites on the foreshore in Mulroy Bay, Co. Donegal.

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

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

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: www.citizensinformation.ie

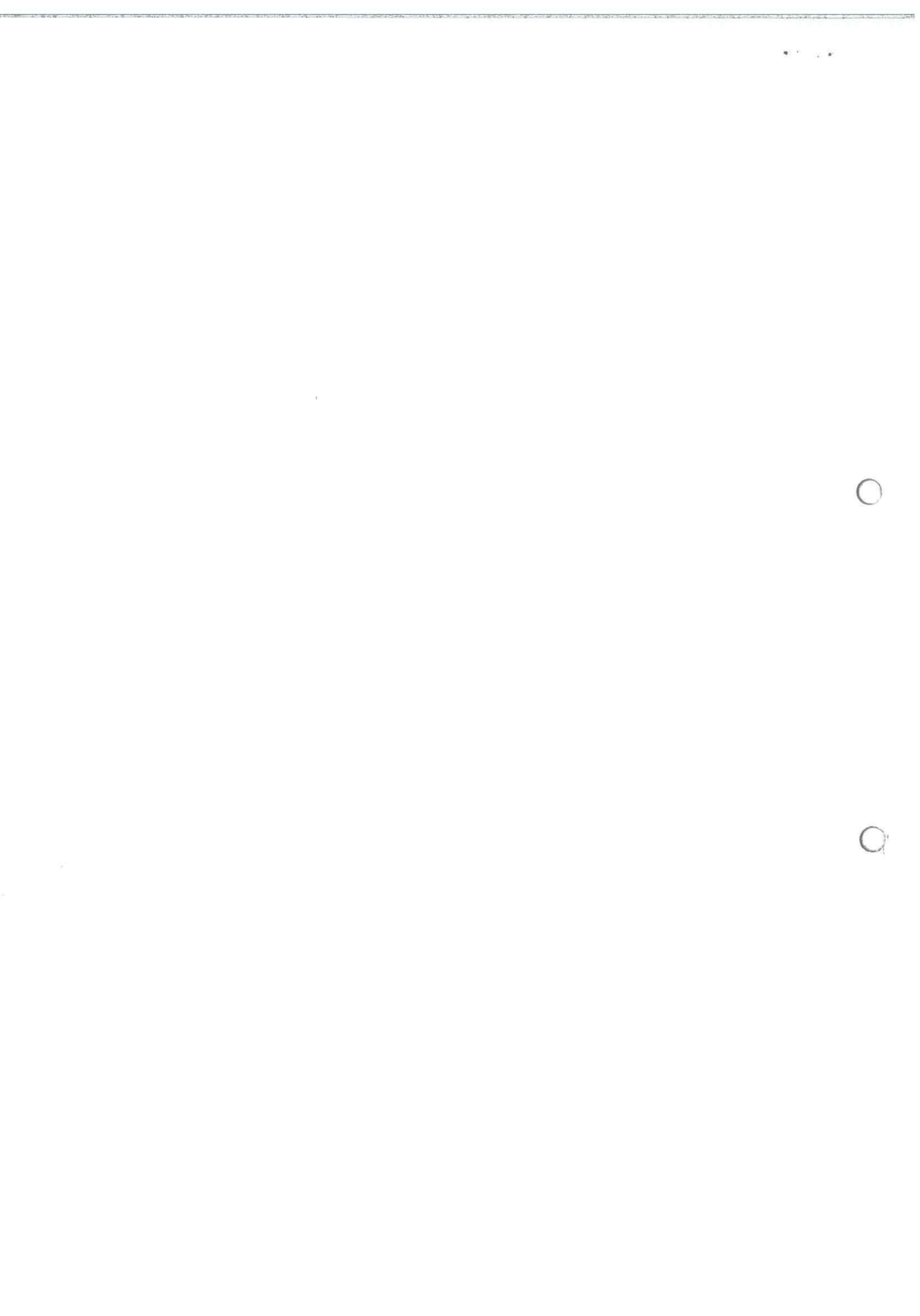
To be inserted in Iris Oifigiuil

FORESHORE ACT, 1933 NOTICE OF DECISION TO GRANT/GRANT A VARIATION/REFUSE TO GRANT FORESHORE LICENCE(S)

The Minister for Agriculture, Food and the Marine has decided to grant/grant a variation/refuse to grant a Foreshore Licence(s) to Northwest Shellfish Ltd, Upper Carrick, Carrigart, Letterkenny, Co. Donegal REF: T12/203A, T12/203B, T12/203C, T12/203D, T12/203E, T12/203F, T12/203G, T12/203H, T12/203J, T12/203K, T12/203L1, T12/203L2, T12/203L3, T12/203L4, T12/387A, T12/387B, T12/387C, T12/387D, T12/387E, T12/387F, T12/387G1, T12/387G2 & T12/387G3 to carry out aquaculture, as set out in the accompanying Aquaculture Licence(s) granted/ granted a variation or refuse to grant to the applicant(s), on a site(s) on the foreshore in Mulroy Bay, Co. Donegal.

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.





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

26th October 2018

To all stat consultees

File Ref: See attached Table

**NOTIFICATION OF MINISTER'S DECISION TO GRANT AQUACULTURE
LICENCES AND FORESHORE LICENCES.**

Dear Sir/Madam,

Pursuant to Regulation 20 of the Aquaculture (Licence Application) Regulations, 1998 (S.I. 236), I wish to advise you of the Minister's decision to grant Aquaculture Licences to: **see attached table**

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 at info@alab.ie or website www.alab.ie

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,

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



Reference Number	Name	Species	Decision
T12/203E	NorthWest Shellfish Ltd Upper Carrick Carrigart Letterkenny Co. Donegal	Scallops	Grant Variation Licence
T12/387F	NorthWest Shellfish Ltd Upper Carrick Carrigart Letterkenny Co. Donegal	Scallops	Grant Variation Licence
T12/387G	NorthWest Shellfish Ltd Upper Carrick Carrigart Letterkenny Co. Donegal	Native Oyster	Grant Variation Licence





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

26th October 2018

To all consultees

File Ref: See attached Table

NOTIFICATION OF MINISTER'S DECISION TO GRANT AQUACULTURE LICENCES AND FORESHORE LICENCES.

Dear Sir/Madam,

I wish to advise you of the Minister's decision to grant Aquaculture Licences to: see **attached table**

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 at info@alab.ie or website www.alab.ie

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,

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





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

26th October 2018

To ALAB

File Ref: See Attached Table

**NOTIFICATION OF MINISTER'S DECISION TO GRANT AQUACULTURE
LICENCES AND FORESHORE LICENCES.**

Dear Ms O'Hara,

I enclose a copy of the Notice of the Minister's Decision to grant Aquaculture Licences to: **please see attached table** which will be advertised in the "Donegal Democrat" on **Thursday the 01st November 2018**

Yours sincerely,

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



Reference Number	Name	Species	Decision
T12/203E	NorthWest Shellfish Ltd Upper Carrick Carrigart Letterkenny Co. Donegal	Scallops	Grant Variation Licence
T12/387F	NorthWest Shellfish Ltd Upper Carrick Carrigart Letterkenny Co. Donegal	Scallops	Grant Variation Licence
T12/387G	NorthWest Shellfish Ltd Upper Carrick Carrigart Letterkenny Co. Donegal	Native Oyster	Grant Variation Licence



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 **Comhairle Contae Dhúna nGall Donegal County Council**

EXECUTIVE ENGINEER

Donegal County Council is seeking applications from qualified candidates for the post of Executive Engineer. The Council proposes to form a panel of qualified candidates for this post from which vacancies will be filled. The closing date for receipt of completed application forms is:

12 noon on Friday, 16 November 2018

Application Forms and Further Details are available at www.donegalcoco.ie

No late applications will be accepted.

Donegal County Council is an Equal Opportunities Employer

 **Comhairle Contae Dhúna nGall Donegal County Council**

Donegal County Council is seeking applications from qualified candidates for the temporary post of:

GIS TECHNICIAN (GRADE 1)

The Council proposes to form a panel of qualified candidates from which it will fill any vacancies as they arise. The closing date for receipt of completed application forms is:

12 Noon on 19 November, 2018

Application Forms and Further Details are available at www.donegalcoco.ie

No late applications will be accepted.

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An bhfuil suim agat sa Ghaeilge?

An bhfuil tálthí agat tograí a chur i gcrích?

Ar mháth leat bheith páirteach in obair thábhachtach chun líon na gcainteoirí Gaeilge sa Ghaeltacht a mhéadú?

Tá Comharchumann Oileán Árann Mhór ag lorg duine fuinníuil, cumasach chun Plean Teanga LPT Árann Mhór a chur i bhfeidhm.

Is post ar chonradh trí bliana atá á thairiscint agus d'fhéadfadh cur leis an tréimhse sin. Beidh an té a cheapfar freagrach as cur i bhfeidhm bearta an phlean teanga. Beidh an té a cheapfar fostaithe ag Comharchumann Oileán Árann Mhór agus freagrach don Cheannagraíocht maidir le clár oibre aontaíthe a fheidhmiú.

Tá tuarastal idir €35,000 agus €50,000 ag dul leis an phost, ag bráth ar thálthí.

Riachtanais:

Ardchaighdeán Gaeilge, idir labhartha agus scríofa. Tálthí i bhfeidhmiú agus i gcur i gcrích tograí. Scileanna maíthe cumarsáide, áialtheoirreachta, comhordaithe agus idirphearsanta. Eolas agus tálthí ar bhainistíú airgeadais. Ceadúnas tiomána glan.

Seoifair iarratas maraon le CV roimh Dé hAoine 16 Samhain 2018 chulg:

An Cathaoirleach
 Comharchumann Oileán Árann Mhór Teo
 Árann Mhór, Co Dhúna nGall

Public Notices

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

The Minister for Agriculture, Food and the Marine has decided to grant an Aquaculture and Foreshore Licence applications to the following in the table below in Mulroy Bay, Co. Donegal:

Reference Number	Name	Species	Decision
T12/203E	NorthWest Shellfish Ltd, Upper Carrick, Carrigart, Letterkenny, Co. Donegal	Scallops	Grant Variation Licence
T12/387F	NorthWest Shellfish Ltd, Upper Carrick, Carrigart, Letterkenny, Co. Donegal	Scallops	Grant Variation Licence
T12/387G	NorthWest Shellfish Ltd, Upper Carrick, Carrigart, Letterkenny, Co. Donegal	Native Oyster	Grant Variation 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/>

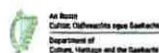
A person may question the validity of the Foreshore Licence determination by way of an application for judicial review, under Order 84 of the Rules of the Superior Court (SI No. 15 of 1986). Practical information on the review mechanism can be obtained from the Citizens Information Board at: <http://www.citizensinformation.ie/>

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



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