



## Appeal Form

**Please note that this form will only be accepted by REGISTERED POST  
or handed in to the ALAB offices**

Name of Appellant (block letters)	SAVE OUR BAY DUNGLOE		
Address of Appellant	C/O Aileen Boyle, Meenmore, Dungloe, Co. Donegal		
Phone:		Email:	
Mobile:		Fax:	

### Fees

Fees must be received by the closing date for receipt of appeals	Amount	Tick
Appeal by licence applicant	€380.92	
Appeal by any other individual or organisation	€152.37	
Request for an Oral Hearing * (fee payable in addition to appeal fee)	€76.18	
* In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded.		
(Cheques Payable to the Aquaculture Licences Appeals Board in accordance with the Aquaculture Licensing Appeals (Fees) Regulations, 1998 (S.I. No. 449 of 1998))		
Electronic Funds Transfer Details	IBAN: IE89AIBK93104704051067	BIC: AIBKIE2D

### Subject Matter of the Appeal

Aquaculture Licence in Inner Dungloe Bay



Site Reference Number:- T12/521  
(as allocated by the Department of Agriculture, Food and the Marine)

Appellant's particular interest in the outcome of the appeal:

We wish to keep the Inner Dungloe Bay free from Oyster Farms (Aquaculture Licences)

Outline the grounds of appeal (and, if necessary, on additional page(s) give full grounds of the appeal and the reasons, considerations and arguments on which they are based):

Our appeal is attached to this form.

Signed by appellant: Aileen Bayle Date: 18-11-2019  
Maire O'Connell Patricia Bayle Nicola Brennan

**Please note that this form will only be accepted by REGISTERED POST or handed in to the ALAB offices**

**Fees must be received by the closing date for receipt of appeals**

This notice should be completed under each heading and duly signed by the appellant and be accompanied by such documents, particulars or information relating to the appeal as the appellant considers necessary or appropriate and specifies in the Notice.

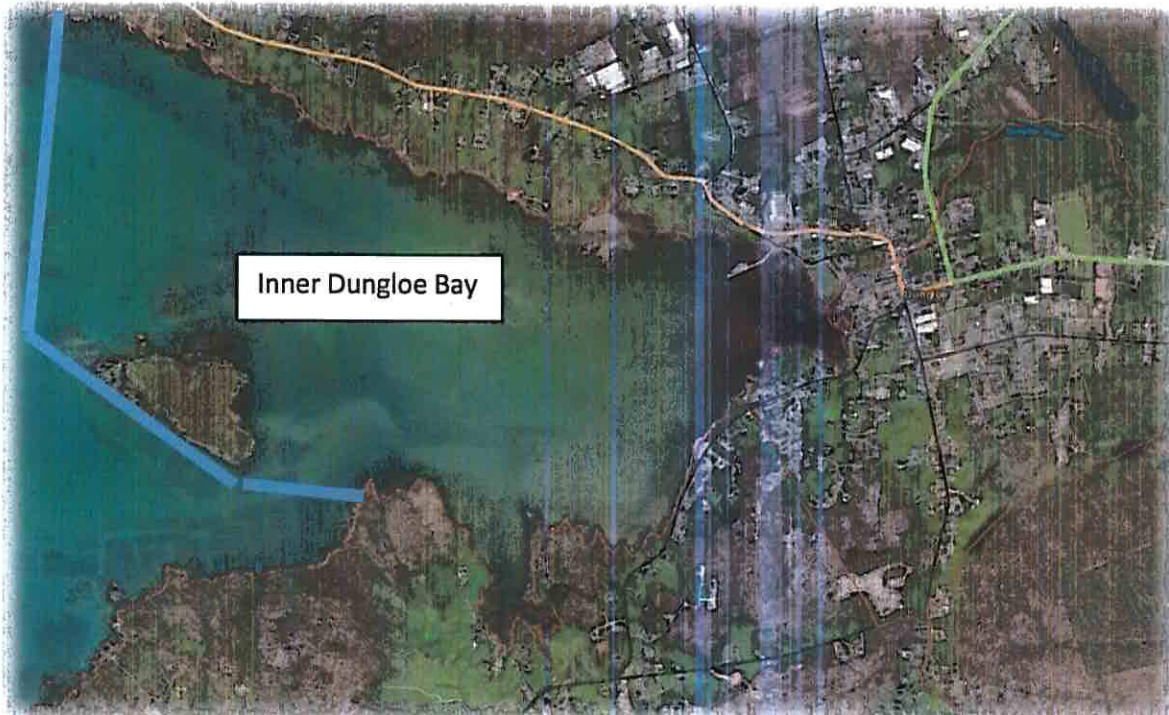
DATA PROTECTION – the data collected for this purpose will be held by ALAB only as long as there is a business need to do so and may include publication on the ALAB website

Please forward completed form to: Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co. Laois. Tel: (057) 8631912 Email: [info@alab.ie](mailto:info@alab.ie)

Appeal  
Aquaculture Licence T12/521  
Dungloe Bay



Inner Dungloe Bay



The area to the right of the blue line is 'Inner Dungloe Bay'

Save Our Bay Dungloe Group came together at the end of June 2019 when we became aware of the aquaculture licence applications in Inner Dungloe Bay. We asked people who were opposed to the Application to meet at Dungloe Pier on Tuesday evening at 7.30pm to sign a petition to be submitted to the Department. The people of Dungloe came out in great numbers to add their objections to these applications.

We prepared a submission which was submitted with the signed petitions prior to the closing date.

Appendix 1 Photo's

Appendix 2 Petition submitted to the Department

Appendix 3 Previous submission

Submissions were also submitted by The Waterfront Hotel, B and B's, local representatives, government bodies, Dungloe Community Network, Dungloe Tidy Towns and others.

It is very difficult for local people and those affected, to be aware of any foreshore applications for aquaculture development. The applicant is required to advertise the application only once in one newspaper. No site notices are required. There was no Public Consultation and we only found out about the applications accidentally.

There is also a serious inequity in the fact that the fee for making an appeal is twice as much as the fee for making an application. The community does not have the resources, or access to professional advice, especially in the given timescale - 30 days. No professional could respond adequately given that timescale.

We have prepared this appeal with local knowledge and desk studies.

Dungloe Town was established in the 18th Century. We have a population of 1,160. We are the largest Gaeltacht town in Donegal. We have recently been designated as 1 of 7 strategic towns in Donegal by Donegal County Council due to our 'Special Economic Function', and our potential to play a critical role in driving growth and development in the county.

Dungloe is a services town including the following: Hospital, Donegal County Council, Social Welfare, Citizens Information Centre, Ambulance, Fire Station, Banks, Credit Union, Solicitors, Accountants, Opticians, Dentists, Library, Post Office, Childcare Facilities, Pharmacies, Beauticians, Hairdressers, Garages, Launderette, retail, grocery and many more.

Dungloe is on the Wild Atlantic Way (WAW), designated as a High Scenic Amenity and chosen to be one of Donegal strategic towns.

*Note:*

*Dungloe Tidy Towns have put in huge effort into Dungloe. They have received 13 extra points in this year's National Tidy Towns competition. They have also been awarded 500Euro for the Dunlgoe River Walk and 5,000Euro for an architect to create a vision for Dungloe.*

*Dungloe Community Network have been chosen by Donegal County Council as winner of Donegal's Pride of Place competition and received their Award on 01 November 2019. Dungloe will go onto represent Donegal in the National competition on 30 November.*

*These are huge achievements for and show the effort that our businesses and our whole community are putting into Dungloe. We consider the Inner Dungloe Bay as part of Dungloe and a huge reason for our achievements.*

*These groups have submitted objections to this development.*

## Response to Points in the Determination

The Minister for Agriculture, Food and the Marine has determined that it is in public interest to grant a variation of Aquaculture/Foreshore Licence of the licences sought i.e. reducing the footprint of the site from 15.784 ha to 6.23 ha and restricting the method to bag & trestles with a structure height of no more than 0.75m above ground level. This is to reduce visual amenity impact, to avoid the high foreshore elevation and to provide orderly development of shellfish farming in the bay. In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with the statutory provisions.

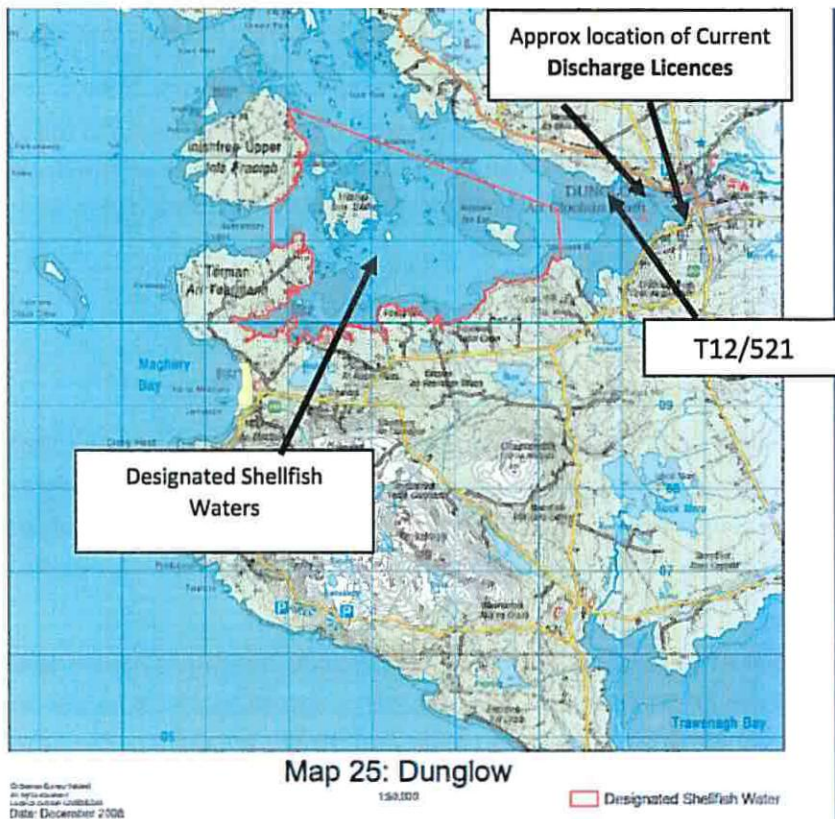
The following are the reasons and considerations for the Minister's determination to grant a variation of the licence sought with our response to same and our comments on same.

### a. Scientific advice is to the effect that the waters are suitable;

We draw your attention to Question (xv) on page 8 of this application which asks:

*the site located in Designated Shellfish Waters Area?* The applicant has answered **YES** to this question which is incorrect.

This Aquaculture Licence is **not** in the departments Designated Shellfish Waters which have been designed under the EU Shellfish Waters Directive. The department must have conducted studies and have reasons for omitting this area from their designation. As this application is outside of that area it is imperative that the testing and other details that the department used in assessing the designated shellfish water area are also carried out on the waters surrounding this application. Also, this aquaculture licence will not have the protections which are required to protect the aquatic habitat for oysters outside of the Designated Shellfish Area.



## How do we care for shellfish waters?

*We are responsible for protecting and improving the quality of shellfish waters in order to support shellfish life and growth.*

*One of the ways we do this is by fulfilling our commitments under the European Union Shellfish Waters Directive(link is external). This is designed to protect the aquatic habitat of bivalve and gastropod molluscs, including oysters, mussels, cockles, scallops and clams. The directive has a number of different strands:*

- 1. It requires all member states, including Ireland, to designate waters that need protection in order to support shellfish life and growth.*
- 2. It sets physical, chemical and microbiological requirements that designated shellfish waters must either comply with or try to improve.*
- 3. It allows for the establishment of pollution reduction programmes for the designated waters.*

### There are two discharge licences in the Inner Dungloe Bay:

- |    |                 |   |                            |
|----|-----------------|---|----------------------------|
| 1. | <b>Lwat33</b>   | Proiseail (An Clochan Liath Teo)  | Status of Licence – Active |
|    |                 | <i>Donegal County Council 2019 Discharge to Waters Section 4 Register</i> |                            |
| 2. | <b>D0208-01</b> | Irish Water (Dungloe WWTP)  | Status of Licence – Active |

Discharge Licence D0208-01 is the primary outfall discharge point for the Dungloe Waste Water Treatment Plant (WWTP) is located at the mouth of Dungloe River, discharging continuously to the bay and close to this Site. The presence of a town sewage outfall in close proximity to the proposed aquaculture raises significant water quality and food safety concerns due to the enclosed nature of the bay and the continuous discharge indicates that water quality at low tide near the outfall will be locally poor.

Discharge Licence Lwat33 is discharging to the bay close to this Site. The presence of a Discharge Licence in this close proximity to the proposed aquaculture raises significant water quality and food safety concerns due to the enclosed nature of the bay and the discharge indicates that water quality at low tide near the outfall will be locally poor.

The department has refused application T12/397A, B & C:

*“Determination of Aquaculture/Foreshore Licensing Application – T12/397A, B and C’ – Refusal Reason:*

***The primary outfall discharge point for the Ardara sewage scheme is located at the south corner of Site T12/397B (Coordinates 171679, 391662), discharging continuously within this site and close to Site T12/397C. The presence of a town sewage outfall in close proximity to the proposed aquaculture raises significant water quality and food safety concerns due to the enclosed nature of the bay and the continuous discharge indicates that water quality at low tide near the outfall will be locally poor;***

Final Appropriate Assessment Conclusion Statement –*‘The lack of satisfactory wastewater treatment for the town of Dungloe in the past was an obstacle to oyster farm licensing in the inner bay. The upgrading of the water waste treatment level for Dungloe town (completed in early 2016) gives an expectation that the water quality in the East Bay and North Channel may be less of an issue now and in the future’.*

There are a huge number of point source discharges from domestic sewage outfalls distributed along Dungloe Bay. Less than half of our homes and businesses are connected to the WWTP.

The EPA are currently investigating a leakage from the Dungloe WWTP. This outcome of the investigation and the possible risks associated with leakage / malfunction of the WWTP possess great risks to our area, the river and the Bay.

Monitoring of Dungloe Bay under the Shellfish Waters Regulations indicates water quality issues with elevated levels of arsenic within / in the vicinity of this shellfish area. The Dungloe Bay Pollution Reduction Programme (2009) under the Shellfish Waters Regulations identifies that the presence of arsenic requires investigation under the Shellfish Regulations by Donegal County Council and the Marine Institute.

Dungloe river is classified as poor status under the WFD and risk category 1a:

“at risk of failing to meet good status’. Dungloe WWTP is identified as a point pressure/risk.

The EPA’s biological survey states “The macroinvertebrate fauna indicated an unwelcome decline from good to moderate in ecological condition of the upper reaches (0020) of the Dungloe River. The lower reach, below the town of Dungloe, continues to be of unsatisfactory quality although a slight improvement was noted.

As we have no access to the scientific advice at the Department's disposal, it is virtually impossible for us to get the technical advice required within the allotted timescale of 30 days.

We believe that the possible pollution pressures / risks in Dungloe Bay are many and it is premature to make an assessment that the waters are suitable. The granting of this licence, which is outside of the designated shellfish area, with conditions imposed is improper.

The department has refused application T12/397A, B & C:

“Determination of Aquaculture/Foreshore Licensing Application – T12/397A, B and C – Refusal:

***☑ The proposed sites are not located within a designated Shellfish Growing Waters Area. Oysters in this area are currently not classified under Annex II of EU Regulation 854/2004;***

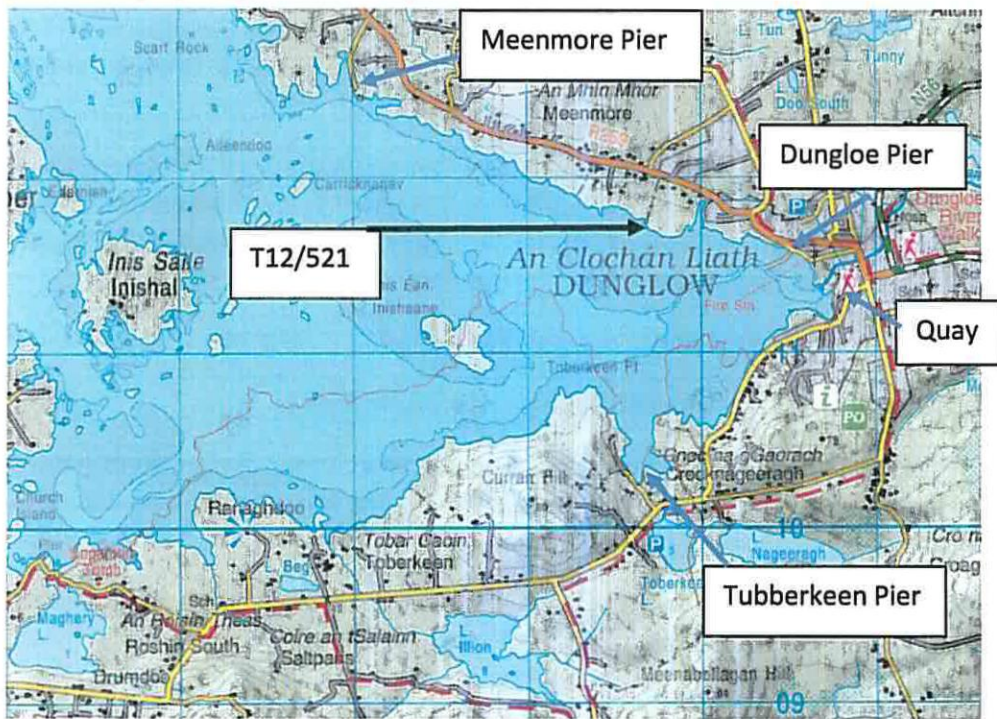
We disagree with the Minister’s decision that - **Scientific advice is to the effect that the waters are suitable.**

## **b. Public access to recreational and other activities can be accommodated by this project;**

Whilst we support the sustainable development of Aquaculture, we would have a lot of issues with the location in relation to this application. The value of the amenities and recreational activities provided on Dungloe Bay and of the natural resources it supplies to the local community and tourist market are invaluable.

**Recreational Fishing** - crab fishing, mussel picking, mullet, trout and Shian fishing all around the Bay which has always been tradition of our towns people over generations. We aim to continue these activities and get our children to experience the fun, fresh air and all the benefits that come with it.

**Water Based Leisure Activities** - Over the past number of years Dungloe people have been increasing our use of the bay. Many of us have kayaks, jet ski's, leisure and speed boats, stand-up paddle boards, snorkeling equipment, wetsuits etc. which we now use regularly in the Bay. We launch from Tubberkeen Pier, Dungloe Pier, the Quay and Meenmore Pier.



Current access to our piers will be obstructed and/or altered by this development.

**Regatta Weekend** - For generations Dungloe Bay always held regatta's but these were ceased in the late 90's. The Regatta Weekend has been re-established in 2017. It is held in September with Races from the Pier to The Pond including Mixed Heats, Cogadh n gClann Heats. The Inisheane Island Race (5km Time Trial) including Skiff for Male, Female and Mixed categories, The 3 Hand Curragh and Open Classes. This weekend finishes with a Charity Cabaret in aid of RNLI & Cancer Care West. *This will not be able to continue if this licence is granted.*

An advertisement for the Tráigh Éanach Regatta. The top left features a logo with two crossed oars and a lifebuoy, with the text 'Tráigh Éanach' and 'EST 2006'. The main title 'TRÁIGHÉANACH Regatta' is prominently displayed in a stylized font. To the right, it says 'IN CONJUNCTION WITH WATERFRONT HOTEL'. The event dates are 'SAT 8TH SEPT' and 'SUN 9TH SEPT'. Below the dates, it lists 'Coghadh na gClann CHARITY COMPETITION &amp; MIXED RACES, DUNGLOE PIER AT 3.00PM' and 'ISLAND RACE DUNGLOE PIER AT 3:30PM'. At the bottom, it mentions 'INIS SPA &amp; WELLNESS' and 'SEE FACEBOOK FOR MORE DETAILS'. A small logo for 'Cancer Care West' is also visible.

**SAT 8TH SEPT**  
**Coghadh na gClann CHARITY COMPETITION & MIXED RACES, DUNGLOE PIER AT 3.00PM**  
 All Welcome to enjoy a tasty BBQ (Sun 9th) in the Waterfront Hotel 4.30pm-6.30pm (€10pp)  
**Charity Cabaret in aid of RNLI & Cancer Care West**  
 Saturday 8th September in Waterfront Hotel Tickets €60pp

**SUN 9TH SEPT**  
**ISLAND RACE DUNGLOE PIER AT 3:30PM**  
**INIS SPA & WELLNESS**  
 SEE FACEBOOK FOR MORE DETAILS

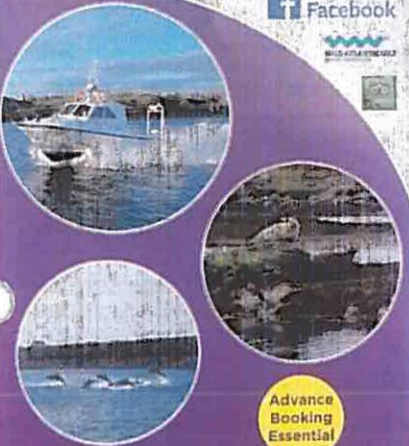


## Sea Safari and Marine Heritage Trips

Seal watching and Island tours that navigate the sheltered island waters of Rutland, Inis Fraioch and Dungloe Bay.

**SEA SAFARI & MARINE HERITAGE BOAT TRIPS**  
**SEAL WATCHING, ISLANDS CRUISE, DEEP SEA ANGLING**  
 aboard Elsie Jayne

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 W: [www.divearranmore.com](http://www.divearranmore.com)

**SEA SAFARI & MARINE HERITAGE TRIPS**


**Tour Highlights:**

- Burtonport Harbour
- Coast of Arranmore & Islands of the Rosses
- 18th Century Herring Fishing Station
- Heritage, Marine Flora, Fauna, Pelagic Wildlife
- Cliffs, Beaches, Rocky Outcrops, Sea Caves & Stacks
- Excellent photographic opportunities



**SEAL WATCHING TRIPS**


Our highly recommended 1 hour trip is suitable for all members of the family. Join us aboard our seal watching trips as we navigate the sheltered island waters of Rutland and Inis Fraioch towards Dungloe Bay. To avoid disturbing the seals, both speed and noise are reduced on approaching their haul outs.

**ISLANDS CRUISE**

1 hour cruise, suitable for all the family. Taking in the dramatic scenery & wildlife of many of Donegal's offshore islands.



- Experienced & knowledgeable skipper/tour guide
- Excellent photography opportunities
- Indoor and outdoor seating options



**DEEP SEA ANGLING**

Many species of fish including Cod, Mackerel, Pollock, Coalfish, Gurnard, Wrasse, Conger Eel & Ling are abundant in the waters surrounding the islands of the Rosses.

- Spacious & comfortable deck area for up to 12 anglers
- Rod hire
- On-board conveniences, complimentary tea/coffee
- Full/Half Day Trips

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### Our Future Plans for Dungloe Bay:

**Sign at Dungloe Pier** – In early December we will be placing a sign at Dungloe Pier (illustration below) which is almost complete and has been funded through the Local Authority Waters Programme - Community Water Development Fund 2019. Text will be inserted giving details of the islands, seal, birds and heritage sites.

If this development goes ahead this community initiative will be out of date before it is put in place.



**Phase 2 of Dungloe Bay Walk** - Connecting The Quay to The Pond – At planning stage

**Phase 3 of Dungloe Bay Walk** - Connecting the Town Centre to Dungloe Bay Walk

**Phase 4 of Dungloe Bay Walk** - Connecting Dungloe Bay Walk with the River Walk

**Phase 5 of Dungloe Bay Walk** - Connecting The Dungloe Pier to Limekiln Pier

**Marina at Dungloe Pier** -Plans complete

**Water Safety Training** - The Pond allows for training when the tide is out and the depth of the water in the Bay makes it an ideal training area for open water sports.

Addition of **recreational water sports** in Dungloe Bay - Jet skiing, Kayaking, Leisure Boating, Snorkeling, Stand-up Paddle Boarding, fishing to name but a few.

Develop two **Viewing Area's** overlooking Dungloe Bay and our islands. One at Caravan Road and one on Crocknageeragh hill. These facilities will include telescope for both bird and seal watching.

**WAW Seal Watching in Destination Dungloe** – This is a project which is unique to Dungloe. We are currently working on with Donegal Tourism. We plan to introduce 4 or 5 telescopes along the Dungloe's Wild Atlantic Way route towards Burtonport. The large number of seals which live in the Inner Dungloe Bay means that there is almost always an opportunity to seal watch, even at high tide . These points will also be used for birdwatching. The amount of birds that are present in the bay especially at low tide is a joy to watch. We also will advertise the 'Spot an Otter' however you will be privileged if you spot one!

**Blueway Development** – We hope to have an application lodged by March 2020 for Dungloe to become a Blueway Town. This is a relatively new government initiative explained as – A network of stunning trails running on and alongside Ireland's most idyllic shores, lakes, canals and rivers. Taking you into the heart of her most unspoilt landscapes - by canoe, bike or on foot. As you meander through inspiring, picturesque vistas, soak in the charming rural atmosphere and explore life at a different pace.

**Greenway** – Dungloe will be connected to other parts of the County by a Greenway which is at design stage with Donegal County Council .

Dungloe to become One of Irelands '**Age Friendly Towns**' - Donegal County Council recently held a Walkability Audit of Dungloe with over 100 people of all ages and abilities taking part. As the new Dungloe Bay Walk and shorefront area are on flat lands this will help us to gain the status of Age Friendly Town and also the ability to attract funding. The fresh air and **uninterrupted views**, ease of access and resting zones for all abilities will be of huge importance to our community and our tourism potential.

With reference to Section 8.2 paragraph (3) fo the Fisheries (Amendment) Act 1997 2An aquaculture licence shall not be construed as taking away or abridging any right on, to or over any portion of the seashore enjoyed by a person under a local or special Act, or any charter, letters patent, prescription or immemorial usage, or a right of sever fishery, without the consent of that person".

#### **Immemorial Usage of Dungloe Bay**

We would like to state 'Immemorial Usage' on Dungloe Bay as we have followed daily traditions and routes set out by our ancestors before us as members of the rural community. The proposed development would severely limit or make redundant the use of the bay for both locals and tourists alike.

**We the people of Dungloe and surrounding areas believe that this is a direct infringement on our rights as stated above.**

Recreational services in Dungloe are built around outdoor amenities and services for the largest portion of employment accounted for by hotels and restaurants in the area. To remove or hinder this in any way would have devastating consequences on our rural community and would be contrary to what is laid out and proposed under the **Donegal County Development Plan (in protecting and sustaining rural areas):**

- *To support tourism identity area and create an ancillary facility necessary for quality holiday destination.*
- *To support the development of area with strong tourism potential, which will lead to a sustainable tourism economy for the County and Region*

- To recognise the importance of walking routes and cycleways and to preserve public rights of way which give access to the seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility in the County.
- To recognise Donegal has all the natural resources necessary to develop a vibrant and successful marine leisure and tourism section
- The council support the built, natural, cultural and linguistic heritage of the Islands, which have significant tourist potential.

**“Determination of Aquaculture/Foreshore Licensing Application – T12/397A, B and C - Refusal**

☒ *Public access to recreational and marine leisure activities may be hindered by this project;*

**The location of this application will greatly reduce the area that we currently use for recreational activities. It will also make it unsafe for recreational use which we see as our future, heritage and tradition. If granted our access to the Bay will be diminished and will greatly impede on our future plans.**

We disagree with the Minister’s decision that - **Public access to recreational and other activities can be accommodated by this project.**

**c. The proposed development should have a positive effect on the economy of the local area;**

Donegal is widely regarded as a land of breath taking natural beauty and is renowned for its long picturesque coastline, and unspoilt natural habitats. ‘The Beautiful Scenery’ was the main reason cited by tourists for choosing to holiday in the county according to tourism studies. In one such study, 80% of respondents credited the ‘Beautiful Scenery’ as their primary reason for recommending the area. These figures therefore serve to highlight the significance of protecting and promoting the topography of the county in order to sustain and further develop the tourism sector here.<sup>1</sup>

Accordingly, it is important to note that poor and imprudent planning and aquaculture management can impact negatively on lucrative recreational activities and amenities such as fishing, water sports and ecotourism to name a few. This is particularly worrying when one considers the importance of the hospitality and tourism sector to the region, something which is largely attributed to its hosting of a number of recreational water-based leisure activities such as boating, canoeing, kayaking, sailing and swimming.

Dungloe Bay plays host to many of the above activities’ thanks by and large to the bay’s relatively shallow waters and the temperate semi-diurnal nature of its tides. This favourable marine environment facilitates the use of the bay for any great number of leisure purposes, many of which have traditionally been enjoyed by locals and visitors to the area alike.

As a result, the bay is understandably a major lure and pull factor for visitors when coming to the region, and any development which could potentially restrict or limits its usage for water based leisure activities should be vehemently opposed. Incidentally, this development and others proposed, will all but render the Bay unsuitable for recreational, sporting and or leisure pursuits.

**Donegal County Development Plan: 2B.2.9 Tourism County Donegal** evidences a successful and strengthening tourism sector accounting for three times as many visitors as DC&SDC. Substantial work to develop visitor attractions, visitor experience and accommodation is continuing including full engagement in the promotional and marketing strategy of the **WAW**. The improvement of connectivity, including cross-border **greenways** is important in supporting visitor access to the region.

<sup>1</sup> Fáilte Ireland, (2013) *Holidaymarker Study 2013 – Donegal/Sligo*

Donegal County Council are at design stage of a Greenway connecting Dungloe to Burtonport, Glenties and further afield.

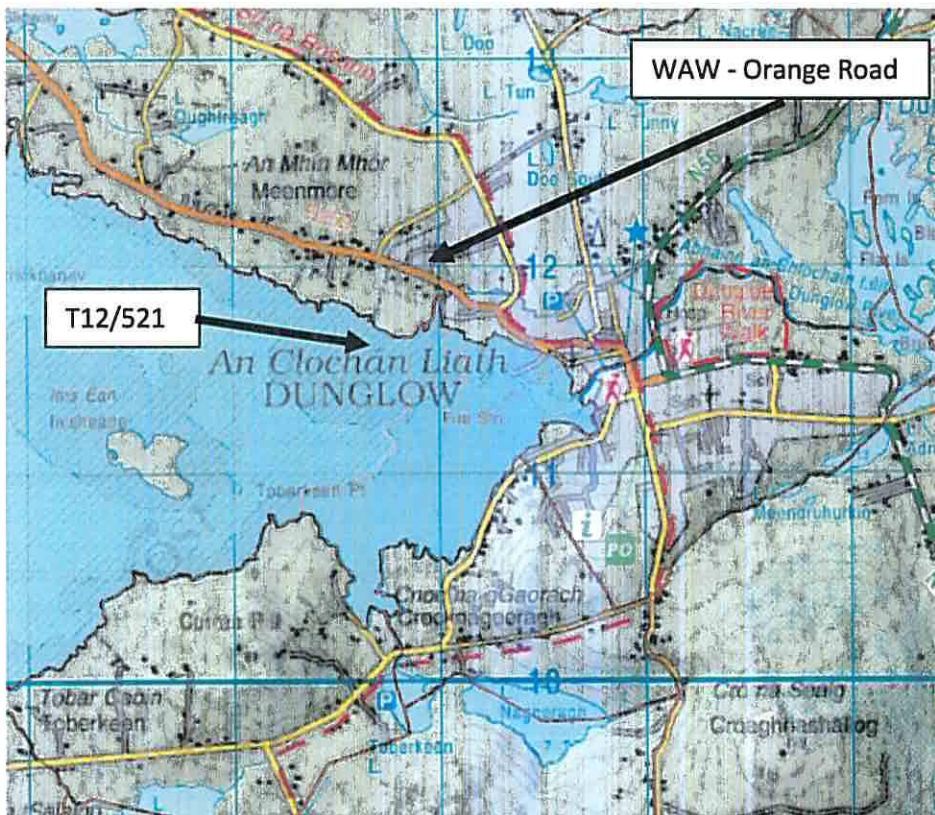
We are delighted that Dungloe is on the **Wild Atlantic Way** which is the world's longest defined coastal touring route. From Malin Head in County Donegal, the country's most northerly point, to Mizen Head in County Cork, the most southerly point, the route weaves and winds across 2,500km of beautiful coastline. It is hugely marketed world wide and has greatly increased our visitor numbers.

The overall aim of the project is to develop a route that will achieve greater visibility for the west coast of Ireland in overseas tourist markets :*Fáilte Ireland*

### Project goals

The Wild Atlantic Way is one of Fáilte Ireland's signature projects to rejuvenate Irish tourism. Once fully-realised, the project will:

- assist in increasing visitor numbers, dwell time, spend and satisfaction along all parts of the route
- re-package the Atlantic seaboard as a destination to overseas and domestic visitors
- improve linkages between, and add value to, a range of attractions and activities
- improve on-road and on-trail interpretation, infrastructure and signage along and around the route
- direct visitors to less-visited areas
- build on the work completed in these areas already and assist businesses, agencies, local groups and other stakeholders along the area to work together
- reinforce the particular strengths and characteristics of all of the areas located along the west coast, while offering the visitor one compelling reason to visit



Dungloe has recently been designated as 1 of 7 strategic towns in Donegal by Donegal County Council due to our 'Special Economic Function', and our potential to play a critical role in driving growth and development in the county.

### 3.3 The Thematic Areas of Potential in Relation to Each Strategic Town

As outlined in Section 3.2, there are 6 common themes that cut across the 23 towns identified as 'Strategic Towns' due to their 'Special Economic Function,' as well as other specific reasons for identification. Table 3.2 identifies the relevant themes or specific reasons for identification. Note; the themes identified should not be taken as an exhaustive list as there may be other areas of potential to be built upon.

**Table 3.2: The Reasons for Identification of 'Strategic Towns', Performing 'Special Economic Functions'**

Town	Reasons for Identification as a 'Strategic Town', Performing a 'Special Economic Function.'
<b>An Clochán Liath (Dungloe)</b>	Tourism and Wild Atlantic Way. Irish Language. Centre for delivery of Local Authority services.

Donegal County Council are currently drawing up a Dungloe Regeneration Strategy which will be submitted to the Department next year for funding. It is envisaged investment of 6 or 7 million will be needed to implement the strategy.

We look at tourism not just as attracting tourists but as a platform which supports economic growth and complete development. Tourism not only contributes towards more economic activities but also generates more employment, revenues and plays a significant role in our development. We need to create and provide modern and better facilities and services to make tourists consume more and increase tourism revenues and to provide improved infrastructure for our people.

Over the last few years we have put huge efforts into providing many attractions for our tourist and facilities for our community most of which have been based around our Bay.

### Recent Developments on Dungloe Bay

**The Pond** - This is one of the only outdoor swimming pools on the Wild Atlantic Way. The pond was originally built 1930 and has given decades of pleasure to generations of children and adults before falling into disrepair. We secured funding to enable us to bring it to its former glory. It is ideal picnic spot, with magnificent views of Arranmore and the islands sheltering Dungloe Bay.

**The Pier** - Our pier was built in 1923 by Paddy the Cope. Large boats are only able to come in at high spring tides. At that time The SS Glenmay (102ft long, 17ft beam, 8.5ft draught, weighing 154tons) docked every two weeks. We have a new slipway and the pier has been widened at a cost of €220,000.

**Dungloe Bay Walk (Phase 1)** - This part of the walk has just been completed along our bay connecting The Quay to The Pier. Phase 2 is at design stage with Donegal County Council which will connect The Quay to The Pond.

**Shorefront Recreational Area** - This includes a children's playground, community football pitch and facilities.

**Wildflower Garden** - Located at The Quay overlooking the bay this garden has been created with bird houses, bat houses, bug hotels, composting and wildflowers. It is enclosed by mature trees and hedges with seating area overlooking the bay.

**Dungloe Clean Coasts** - Last year we became members of An Taisce's Clean Coasts to help protect and care for Dungloe's waterways, coastline, seas, ocean and marine life.

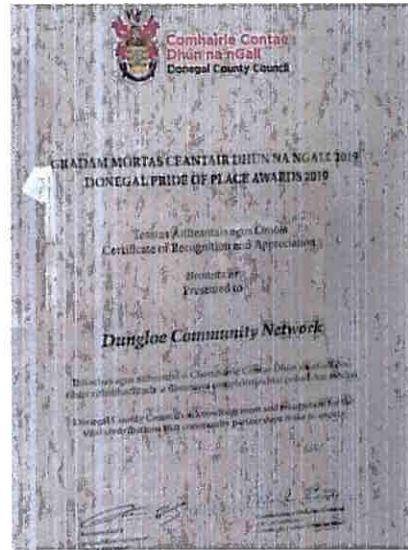
**Dungloe Heritage Trail** - We launched our Dungloe Heritage Trail in June. This bilingual Trail, with three large Trail boards around Dungloe, and an accompanying self-guiding brochure. This trail leads people to The Pier, The Mill, The Quay, The Pond which are all located on the Bay. The introduction of this aquaculture licence located between these points and Inis Éan Island will have a significant visual impact impeding our unspoilt views of the Island and subsequently on our tourism potential.

**Dungloe River Walk** – Approx. a 5km walk along Dungloe River to Dungloe Lake through forest, bogland, with the hills as its backdrop. Last year addition of fishing areas to accommodate all abilities and other improvements were funded through Leader 35,000 euro.

**Dungloe Tidy Towns** have put in huge effort into Dungloe. They have received 13 extra points in this year's National Tidy Towns competition. They have also been awarded 500Euro for the Dungloe River Walk and 5,000Euro for an architect to create a vision for Dungloe.

**Dungloe Community Network** have been chosen by Donegal County Council as winner of Donegal's Pride of Place competition and received their Award on 01 November 2019. Dungloe will go onto represent Donegal in the National competition on 30 November 2019.

We consider the Inner Dungloe Bay as part of Dungloe and a huge reason for these achievements.



### **Our Businesses:**

Prior to 2017 Dungloe had no hotel, 1 B&B, 1 Caravan Park and numerous business closures.

Since then we can boast of having 1 Award Winning 4\* Hotel, 9 B&B's, Caravan Camping Sites, Children's Indoor Adventure Centre and many new businesses.

Dungloe is growing rapidly due to the increase in our tourism market. Currently planned for Dungloe are:

- A New Boutique Hotel on Main Street, €5 Million Spa Extension to the Waterfront Hotel
- New Upmarket Hostel
- New Guest House
- Addition of 9 bedrooms to existing guest house.

The tourism industry supports in excess of 29,000 jobs in the region and is responsible for attracting approximately 174,000 overseas visitors each year, while a further 500,000 domestic visitors come to Donegal to enjoy – among other things - our clean beaches and waterways.<sup>2</sup>

**Seaweed Harvesting** (Known locally as Rack Cutting) has been a source of income in this area since early 1800's and rack cutters to this day use Inner Dungloe Bay area. The approval of these licenses will put permanent obstacles in the way of Rack Cutters and greatly reduce the area available to them.

In the Final Appropriate Assessment Conclusion it state's 'No significant conflict between seaweed harvesting and proposed oyster farming areas is anticipated.'

We disagree with this statement. The oyster trestles will not be on top of the rocks which are used for cutting rack. However, they will be all around them. Our rack cutters cut the rack from the rocks and gather it in nets which are towed by boat to our piers and collection points along the bay at high tide. To allow permanent structures such as oyster farm in the area currently used by this sustainable industry - the rack is cut not removed to allow for new growth - which has existed for since the 1800's. This takes place at different times of the year and does not create permanent

<sup>2</sup> Donegal County Council, (2014), "DONEGAL'S TOURISM PRODUCT DEVELOPMENT." Accessed October 03, 2016. <http://www.donegalcoco.ie/business/developingourtourismsector/>.

displacement or obstacles in the bay. It has been proven not to interfere with Dungloe's Inner Bay over its many years of existence.

There was a rack factory in Meenmore which closed a number of years ago but thankfully we have another opened for a number of years.

The importance of Inner Dungloe Bay being free from aquaculture cannot be overstated.

*Donegal County Development Plan "To ensure that any development on the foreshore does not detract from visual amenities of the coast and the public enjoyment thereof".*

We are heavily dependent on our Tourism market which is growing quickly with Dungloe being on the WAW. It will no doubt bring with it tremendous economic value to Dungloe. It touches and impacts several industries directly and many more indirectly through tourism spend.

It may reasonably be argued therefore that should the proposals in question be allowed to go ahead, then such a situation would have profound implications on the locality's ability to sustain its existing tourism trade on which much employment and local businesses depend and that ultimately, this would irrevocably damage West Donegal's wider tourism brand.

Accordingly, and notwithstanding the very small number of (2) full and (1) part-time jobs which the applicant intends to create as a direct result of their application, the resulting job losses which would arise in both the tourism and hospitality industries would subsequently negate any potential job creation which the project may yield, and would ultimately result in significant employment loss to the area.

The value of our homes and property will be greatly reduced if this development is granted. We currently have uninterrupted and unspoilt views over Dungloe Bay which are designated as of High Civic Amenity in the Donegal County Development Plan and on the WAW. It will alter and reduce the area of our bay for leisure activities. As a result, the bay is understandably a major lure and pull factor for visitors and potential buyers when coming to the region, and any development which could potentially restrict or limit its usage for water based leisure activities should be vehemently opposed.

We disagree with the Minister's decision that - **The proposed development should have a positive effect on the economy of the local area.**

#### **d. All issues raised during Public and Statutory consultation phase;**

The only Public Consultation offered was one Notice in one newspaper.

Should site amendments have been re-advertised?

#### **e. There are no effects anticipated on the man-made environment heritage of value in the area;**

There has been an explosion of interest locally in heritage and history over the past 5-10 years. Local heritage groups have been set up and via facebook, the heritage of Dungloe and The Rosses is shared globally. The Rosses area has five main (and many smaller) facebook heritage pages - Lower Rosses, Upper Rosses, Arranmore, Burtonport, Cruit Island, with a combined membership of over 10,000.

Numerous heritage walks take place in Dungloe and The Rosses throughout the year. The Mary from Dungloe International Arts Festival has 'Walk the Rosses' which includes guided historical walks including our villages, islands and Dungloe Town over the ten days of the festival.

The success of this event prompted the Tidy Towns Committee and heritage enthusiast to produce the '**Dungloe Heritage Trail**' which was launched in June 2019. See map attached. It is a bilingual Trail, with three large Trail boards around Dungloe, and an accompanying self-guiding brochure. Councillor Marie Therese Gallagher, speaking on behalf

of the Glenties Municipal District Councillors who funded Dungloe's Heritage Trail, said: 'This will be a wonderful addition to the Dungloe experience. Visitors over the summer, particularly during the Mary from Dungloe International Arts Festival, will be able to self-guide the new heritage trail around the town. The Community has worked really well together, and the Dungloe Tidy Towns committee should feel very proud of what they have achieved in such a short time.'

Our vision for the town, 'Destination Dungloe' will be enhanced by this beautifully produced Trail map and guide. This trail leads people to The Pier, The Mill, The Quay, The Pond which are all located on the Bay. The introduction of this aquaculture licence located between these points and Inis Éan Island will have a significant visual impact impeding our unspoilt views of the Island and subsequently on our tourism potential.

**Heritage Preservation-** Donegal has many historical societies and is ideal for genealogical and research holidays.

Recognition of rural customs and traditions and the preservation of the Rural Heritage. "the Rosses is an area in Donegal between the estuaries of the Gweebarra to the South and the Gweedore to the North. People have lived here since at least Neolithic times, 5,000+ years ago"

**County Donegal Development Plan** states its aim is to conserve and protect the County's archaeological heritage for present and future generations while encouraging appreciation and enjoyment of these valuable, non-renewable, cultural resources through sustainable management, sensitive enhancement and appropriate development. The Council recognises the cultural and historic importance of the County's archaeological heritage. Respect the socio-cultural authenticity of the host communities, conserve their built and living cultural heritage and traditional values, and contribute to inter-cultural understanding and tolerance.

Heritage is now seen as an increasingly important part of tourism. It is important to recognise our heritage and link it to the Wild Atlantic Way tourism initiative by Fáilte Ireland. Dungloe Bay offers many historical customs and traditions.

Dungloe Bay was very important in terms of the religious, economic and social history of Dungloe and surrounding areas. The bay allowed for delivery of many supplies to the area by boat prior to road or rail transportation. The bay was and continues to be intensively used by local people and there has been no large scale archaeological excavation here whatsoever, however there is a wealth of recorded and oral history to give a vibrant picture of just how important this bay was in prehistory, in recorded history and in more recent times. The granting of this licence will destroy our ability to carry out archaeological excavations and other studies to fully understand the heritage in our bay.

**The Mill** (a watermill)- was advertised for lease in 1775 and was on the 1777 road map. The tall three storey building was a store; the Mill building itself and the Race can still be seen from the bay.

**St. Crona's Church of Ireland** - originally built in 1760 to replace the one in ruins for 20 years at Termon. The Minister argued that this site by the new road and bridge was more convenient for his parishioners. The present structure dates from 1844 on Dungloe Bay.

**The Quay** - now part of Dungloe Bay Walk. As the bay is shallow and rocky; larger boats are only able to come in at high spring tides. The Quay was the docking area for Dungloe Bay prior to the Pier being built in 1923.

**The Pond** - This is one of the only outdoor swimming pools on the Wild Atlantic Way and one of the few left in Ireland. The pond was originally built 1930 and has given decades of pleasure to generations of children and adults before falling into disrepair.

**Seaweed Harvesting** – Back as far as 1700's when Landlord William Burton Cunningham, Lord Mount Charles rented out to local families an area of the Bay to put rocks to grow and harvest seaweed for their farms. Local knowledge tells us that there were maps drawn up to show each plot and our ancestors who rented them. This is another part of our heritage that has yet to be fully discovered. This is another part of Dungloe's heritage that will be lost if this application is granted. Much more is to be discovered in Inner Dungloe Bay. To this day seaweed harvesting is carried out in Dungloe Bay.

*This is just a flavour of the importance of our Dungloe Bay heritage.*

The area covered by this application for Dungloe Bay is very significant to the local heritage of the Rosses and Donegal. **Much has still to be discovered.** There is significant knowledge from both tradition, oral history and the limited



historical investigations to see that these locations are utterly inappropriate for siting oyster and any other industrial shellfish farms.

It is also important to highlight that many rural areas go without many of the services in urban areas: Swimming pool, transport services which our bay has provided us with.

**Some of the other services offered by our bay:**

**Schools** - Our local school use the Bay area for nature walks to learn about their local environment and biodiversity studies with their teacher's. We hope following the excellent water quality results that they will now be able to use it for swimming and other school sports.

**Natural Resources** - On the Bay you have the following in abundance which the locals use:

Lugworm for bait, Mussels for human consumption, Seaweed for baths and fertilizer.

**Boat Mooring** - The Bay provides for generation fishing boats a mooring place. They also use it to paint their boats and carry out maintenance work. It is also a good area to spread a net in need of mending.

**Fishing / Angling** – Sea Trout, mussels, crabs, eels, mullet, shrimp, shian to name but a few.

**Playground for Children** - The Bay has been used throughout the years by our children to explore the islands in the bay, climb rocks, skim stones, shian fishing, crab fishing.

**Recreational Services** - Swimming - ideal temperature from Spring to Autumn, Snorkelling, Water sports - Kayaking, sailing, windsurfing, kitesurfing, stand-up paddle boarding - Rock Climbing, Recreational Fishing, **Local Festivals** - Mary from Dungloe International Arts Festival, Regatta.

We disagree with the Minister's decision that - **There are no effects anticipated on the man-made environment heritage of value in the area;**

**f. No significant effects arise regarding wild fisheries;**

Inner Dungloe Bay is currently used for pot fishing for shrimp and crab. The area proposed for this application will be an obstacle to these fisheries.

Dungloe is well known throughout Ireland and further afield for our Angling. The Rosses Anglers were established in 1965 and purchased the Rosses fishing rights of Landlord Mount Charles. They maintain the local fisheries and 130 lakes. Dungloe River flowing into The Inner Dungloe Bay services eight lakes – Adreen, Salagh, Loughfad, Loughnamuck, Cushkeeragh, Meenlecknalore, Crahy and Dungloe. The Tubberkeen Lake runs into the bay near Tubberkeen pier. These are all fishing lakes where the fish travel to and from the bay.

## FISHING IN IRELAND

**An angler's guide to the best fishing in Ireland.**

### THE ROSSES FISHERY

The Rosses Fishery is closed to salmon (and sea trout over 40cm) angling

The Rosses Fishery is located amongst beautiful scenery on the West Coast of County Donegal and comprises around 130 loughs and associated rivers. Dungloe town lies in the centre of the fishery and has plentiful accommodation and all the fishing is within a 5-mile radius. The fishery is made up of six salmon/sea/brown trout systems with isolated loughs interspersed throughout the whole fishery.

#### Season

**Sea Trout:** 2nd February to 12th October.



## Appropriate Assessment for Dungloe Bay

With regard to Appropriate Assessment for Dungloe Bay - Report supporting Appropriate Assessment of Aquaculture in Rutland Island and Sound SAC (Site code: 02283), prepared by Marine Institute for the Department of Agriculture, Food and Marine, we draw your attention to conclusion within the AA that clearly states that intensification of aquaculture and granting of new applications will have a disturbing effect on the Rutland and Sound SAC specifically relating to harbour seal populations. This application will be adjacent to (maybe overlap) on moulting site. Granting this application by the minister would clearly be in complete contradiction of the department's own AA for Dungloe Bay.

It clearly states within the AA that **current level** of aquaculture activity are conducive with the favourable conservation status. In addition, it would appear that the current level of activity at the sensitive times of the year (breeding and moulting, i.e. May to September) is sufficient to maintain stable seal counts at the site.

The granting of this application in considering the details of our appeal will significantly and adversely affect the integrity of the Rutland Island and Sound SAC.

We disagree with the Ministers statement - **The site is located within the Rutland Island and Sound Special Area of Conservation. 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 Rutland Island and Sound SAC.**

### **h. Scientific observations related to the Appropriate Assessment received during the licensing consultation process are addressed in the Licensing Authority's Appropriate Assessment Conclusion Statement;**

We query whether Dungloe Bay intertidal area is actually suitable for this type of aquaculture. As we have no access to the scientific advice at the Department's disposal, it is virtually impossible for us to get the technical advice required within the allotted timescale of 30 days.

ie waters have not been designated as shellfish waters by the Minister.

An Taisce has just published a report on Aquaculture (Appendix A) Antaisce.org. (2018).

Fish Farms & Aquaculture - The National Trust for Ireland - An Taisce.

It points out that "Environmental Impact Assessments (EIA) should be carried out to assess the in-combination effects of all aquaculture activities within each bay, rather than assessing licences on an individual basis. Annex III of EIA Directive 2011/92/ EU refers to the characteristics of projects that must be considered for an EIA. Paragraph 1(b) of Annex III refers to the cumulation with other projects, indicating that cumulative impacts of aquaculture operations are an important factor for EIA purposes. EIAs should also take into account the potential impact of the aquaculture facility over its entire lifecycle, including the construction, operation and decommissioning phases of the facility. With this in mind, An Taisce believes the time is right for Ireland to develop – similar to many European countries – a strategic and integrated statutory Marine Spatial Planning system.

A major undertaking such as this would also be a good time to tackle some of the detailed problems presented by aquaculture, such as the need to amend the European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477 of 2011) to add the Pacific oyster to the Third Schedule, thus effectively **prohibiting use of the Pacific oyster for aquaculture purposes in Ireland.**"

**This is the type of oyster being proposed for Dungloe Bay.**

**Licensing Authority's Appropriate Assessment Conclusion Statement:**

'Introduction of non-native species - Oyster culture may present a risk in terms of the introduction of non-native species as the Pacific oyster (*Crassostrea gigas*) itself is a non-native species. Recruitment of *C. gigas* has been documented in a number of Bays in Ireland. **The risk of Pacific oysters naturalising in Rutland Island and Sound cannot be discounted.**

While there is minimal risk associated with the introduction of hitchhiker species with hatchery reared oyster seed, the risk posed by the introduction of '½-grown' or 'wild' seed originating from another jurisdiction (e.g. Britain, France) **cannot be discounted.'**

The licensing authority need to be able to conclude beyond reasonable doubt that the QI communities will not be disturbed. , as outlined in the ECJ ruling for C-404/09 [Commission v Spain] which held that "[a]n assessment made under 1 Article 6(3) of the Habitats Directive cannot be regarded as appropriate if it contains gaps and lacks complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the SPA concerned."

Similarly, the court held in the case of the Commission v Italy that "assessment must be organised in such a manner that the competent national authorities can be certain that a plan or project will not have adverse effects on the integrity of the site concerned, given that, where doubt remains as to the absence of such effects, the competent authority will have to refuse permission." (C304/05 . Para 58)

We disagree with the Ministers statement - **Scientific observations related to the Appropriate Assessment received during the licensing consultation process are addressed in the Licensing Authority's Appropriate Assessment Conclusion Statement;**

**i. Taking account of the recommendations of the Appropriate Assessment the aquaculture activity at this site is consistent with the Conservation Objectives for the SAC/SPA;**

**&**

**j. No significant impacts on the marine environment and the quality status of the area will not be adversely impacted;**

Considering that the nature of the activities pertaining to the application are primarily marine based, the negative influences often associated with aqua-farming on the marine environment must not be overlooked in this instance.

The area in which this proposal is planned is a Special Area of Conservation (SAC).

It is widely documented that aquaculture can have a detrimental effect on the marine environment through the accumulation of waste from feed and faecal pellets, while aquaculture in general may result in changes to the benthic macro-fauna. In areas where aquaculture activity is prolific, this is likely to result in environmental degradation and may lead to poor aquaculture growth rates. Therefore, in bays where aquaculture is abundant, the marine environment is likely to suffer from 'over stocking'.<sup>3</sup>

The potential impact of intertidal oyster culture on water birds and the distribution of any birds which inhabit or depend on water bodies has become the subject of much study in recent years. Research carried out by the Marine Institute into the effects of oyster farming on marine and aquatic birds, has found that the assemblage variation and flocking behaviour of certain bird species is heavily affected by the presence of oyster trestles.

The study found that the species which tend to feed in large highly concentrated flocks, such as the Knot (*Calidris canutus*); Sanderling (*Calidris alba*); Dunlin (*Calidris alpina*); Blacktailed Godwit (*Limosa limosa*); Bar-tailed Godwit (*Limosa lapponica*) and the Ringed Plover (*Charadrius hiaticula*), all demonstrated a negative response to the

structures. The presence of trestles in the samples taken from the studied ordination space, directly interfered with the flocking and territorial behaviour of the species, forcing individual birds to become dispersed across several lines of trestles.<sup>3</sup>

It's notable that the species which displayed the strongest negative response to oyster trestles generally favour open mudflats/sandflats, such as those present at the proposed development site. Consequently, mixed sediment and rocky shore sites are often cited as the preferred locations for littoral zone oyster culture as such sites can minimise the potential harmful impact of oyster culture on birds inhabiting the marine environment. In this context, it can reasonably be argued that the area for which this licence is being sought would be most unsuitable for the installation of oyster trestles and harvesting equipment given the repercussions which such activities have on avifauna.

In 2014, BirdWatch Ireland and the Royal Society for the Protection of Birds (RSPB) worked to compile a updated list of bird species on the island of Ireland with each species classified into three separate headings (i.e., Red, Amber and Green), based on the conservation status of the bird and hence where conservation priority lies with respect to each.

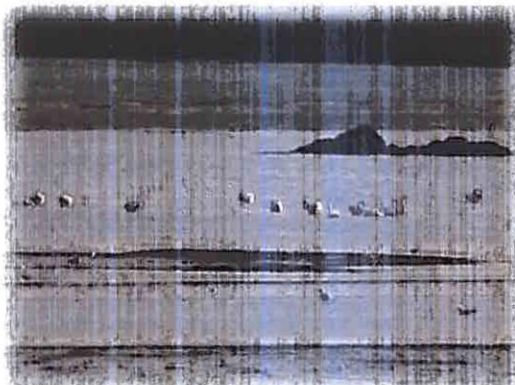
This publication, entitled 'Birds of Conservation Concern in Ireland' (BoCCI) found that, of the above named species, the Dunlin (*Calidris alpina*) qualified for Red listing due to its extreme declining breeding and wintering populations, while both the Knot (*Calidris canutus*) and the Bar-tailed Godwit (*Limosa lapponica*) were given Amber status, owing to the birds' moderate declines in range and or abundance.<sup>4</sup> In the case of the Dunlin and Knot, coastal estuarine sites of muddy sands, such as those found at the proposed development, are recognised as important wintering sites for both species.

The above mentioned birds are to be protected in the Inner Dungloe Bay under National and EU rules.

We would like also ensure that our many many resident, native and migratory birds who have made the Inner Dungloe Bay their homes are protected. Local knowledge confirms that the Inner Dungloe Bay is inhabited by all types of birds – Protected and **Unprotected species**.

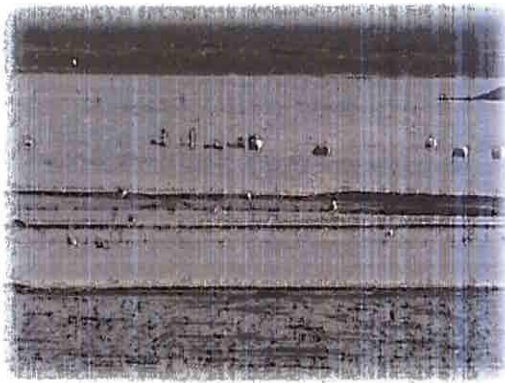
At low tide it is littered with birds, big and small, at all times of the year. We watch from our homes and from the area all along the bay as they play, feed, rear their young. It is a joy to watch them at low tide on the bays strand and at high tide swimming along peacefully. We watch the ducks with their young swimming in a line learning to swim, fly and feed. We have a resident wild goose at the Quay. Inis Éan island has a huge population of birds and Dungloe Bay is their home. SEA BIRDS In Dungloe: COMORANT, MOORHEN, GREY HERON, GREY LAG GOOSE, MUTE SWAN, BARNACLE GOOSSE, WHOPPER SWAN, BRENT GOOSE, SHELDUCK, BLACK THROATHED GOOSE, WIGEON, GREAT CRESTED GOOSE, TEAL DUCK, DUNLIN, MALLARD DUCK, COMMON TERN, EIDER DUCK, BLACK GUILLEMOT, GOLDEN EYE DUCK, OYSTER CATCHER, SNIPE, CURLEW, BLACK BACKED GULL, HERRING GULL, COMMON GULL.

These pictures were taken in October 2019 of the Swans as they gathered in the Inner Dungloe Bay before going to their wintering spots.



<sup>3</sup> Gittings, T. & O'Donoghue, P.D. (2012). *The effects of intertidal oyster culture on the spatial distribution of waterbirds*. Report prepared for the Marine Institute. Atkins, Cork.

<sup>4</sup> Colhoun, K. and Cummins, S. (2014) *Birds of Conservation Concern in Ireland 2014–2019*.



The addition of oyster beds and all their associated works may not pose physical hurt to these birds but their introduction will **definitely interfere** with their current breeding, feeding and rearing grounds. These birds should not have to move from their natural habitat for the creation of this oyster farm which will bring no benefit to the Inner Dungloe Bay.

The Appropriate Assessment states **ONLY** the following in relation to Seabirds:

### '6.3 AQUACULTURE AND MARINE MAMMAL INTERACTIONS

Mariculture operations are considered a source of **marine litter** (Johnson, 2008). Ingestion of marine litter has also **been shown to cause mortality in birds**, marine mammals, and marine turtles (Derraik, 2002). Mariculture structures can provide shelter, roost, or haul-out sites for birds and seals (Roycroft et al., 2004). This is unlikely to have negative effects on bird or seal populations, but it may increase the likelihood that these species cause faecal contamination of mollusc beds'.

**Table 4-3- SAC sites adjacent to the Rutland Island & Sound SAC and Qualifying Features with initial screening assessment on likely interactions with aquaculture activities.**

Natura site (Site code)	Qualifying features (habitat/species code)	Aquaculture initial screening
West Donegal Coast SPA (4150)	Fulmar ( <i>Fulmarus glacialis</i> ) [A009] Cormorant ( <i>Phalacrocorax carbo</i> ) [A017] Shag ( <i>Phalacrocorax aristotelis</i> ) [A018] Peregrine ( <i>Falco peregrinus</i> ) [A103] Herring Gull ( <i>Larus argentatus</i> ) [A184] Kittiwake ( <i>Rissa tridactyla</i> ) [A188] Razorbill ( <i>Alca torda</i> ) [A200] Chough ( <i>Pyrhacorax pyrrhacorax</i> ) [A346]	On the basis that the species have no demonstrable negative interaction with trestle culture or will tend to forage offshore or on land (in the case of Chough) there is no likely interaction with existing or proposed aquaculture activities <sup>6</sup> in Rutland Island and Sound SAC – excluded from further analysis

<sup>6</sup> Gittings, T. & O'Donoghue, P.D. (2012). The effects of intertidal oyster culture on the spatial distribution of waterbirds. Report prepared for the Marine Institute. Atkins, Cork.

**Is the above information sufficient to deal with 'The Impacts on Seabirds and Conservation Objectives of the SAC' and the subsequent Granting this Aquaculture Licence?**

We have a huge population and many species of seabirds in the Inner Dungloe Bay. We do not agree with the Final Appropriate Assessment Report **'The impacts on seabirds and conservation objectives of the SAC are addressed in the Appropriate Assessment Report'** considering its minimal detail in relation to Seabirds.

The deficient nature of the assessment in relation to SPAs and terrestrial habitats and species is insufficient to make a decision to grant this application. To allow this development without specialist terrestrial ecological expertise or bird expertise is not acceptable to us who know that it will interfere greatly with our birds who live in Dungloe Bay.

Inis Éan Island in Inner Dungloe Bay is translated to 'Island of the Birds' which got its name because of the large Bird population living on it.

**The assessment is insufficient in assessing the impact these licences will have on birds.**

Dungloe Bay has many harbour seals who enjoy the uninterrupted use of all of our Bay from Dungloe Town out to Rutland around Inis Éan Island.

### **Harbour seal population assessment in the Republic of Ireland August 2003**

Citation: Cronin, M., Duck, C., Ó Cadhla, O., Nairn, R., Strong, D. & O' Keeffe, C. (2004). Harbour seal population assessment in the Republic of Ireland: August 2003. Irish Wildlife Manuals, No. 11. National Parks & Wildlife Service, Department of Environment, Heritage and Local Government, Dublin, Ireland.

The harbour seal *Phoca vitulina* (also known as "common seal"; Plate 1) is one of two seal species native to Irish waters. Like their larger grey seal (*Halichoerus grypus*) relatives, harbour seals have established themselves at terrestrial colonies (or haul-outs) along all coastlines of Ireland, which they leave when foraging or moving between areas, for example, and to which they return to rest ashore, rear young, engage in social activity, etc. These haul-out groups of harbour seals have tended historically to be found among inshore bays and islands, coves and estuaries (Lockley, 1966; Summers et al., 1980), particularly around the hours of lowest tide. Grey and harbour seals are strictly protected in the Republic of Ireland under the Wildlife Acts, 1976 and 2000. They are listed under Annex II of the EU Habitats Directive as species of Community Interest, whose conservation requires the designation of Special Areas of Conservation (SACs). In the latter part of the 1990s, the National Parks & Wildlife Service, NPWS (formerly part of Dúchas the Heritage Service) proposed all of the known major breeding sites of the two species as SACs, ten for the grey seal and seven for the harbour seal.

TABLE II. Counts of harbour seals at **ground-truthing** sites, carried out over a four-hour count period on each site's aerial survey day in August 2003.

Dungloe Bay	Tidal	Low -1hr 178	State	Low +1hr 180
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TABLE III. Summary of **aerial- and ground-counts** of harbour seals and grey seals at all ground-truthing sites selected during the 2003 survey.

Dungloe Bay	Aerial Count of Harbour Grey Seal 266
	Ground Count of Harbour Grey Seal 180

### 3.1.3 Aerial- Vs Ground-count data

A comparison of harbour seal and grey seal count data collected via simultaneous aerial and ground count methods is shown in Table III. Aerial-counts were obtained in real time. However, where discrepancies occurred between the data gathered from the air and those from the ground, thermal and video imagery were rechecked. The amended counts are shown here. Aerial and ground-counts were very similar ( $\pm 2$  animals) at all sites except the following:

**Dungloe Bay: A significantly higher aerial-count than ground-count was obtained, possibly as a result of segregated distribution of animals over a large area, making a ground-count more difficult to execute. The aerial-count was rechecked and no changes were made to the real time count.**

At the time of survey, seven Special Areas of Conservation (SACs) are listed with the harbour seal as qualifying interest (i.e. one of the factors meriting designation was the importance of the site for the harbour seal). The survey results suggest two further SACs should have additional qualifying interest due to harbour seal occurrence in the SAC. These

are Kenmare River (Site Code 2158) and Rutland Island and Sound (Site Code 2283) (Appendix II). The latter would require a small extension into Dungloe Bay to include all harbour seal haul-out areas. Based on the 2003 survey, 51% of the population estimate for the Republic of Ireland would then be included in SACs. This is consistent with the requirements of the EU Habitats Directive.

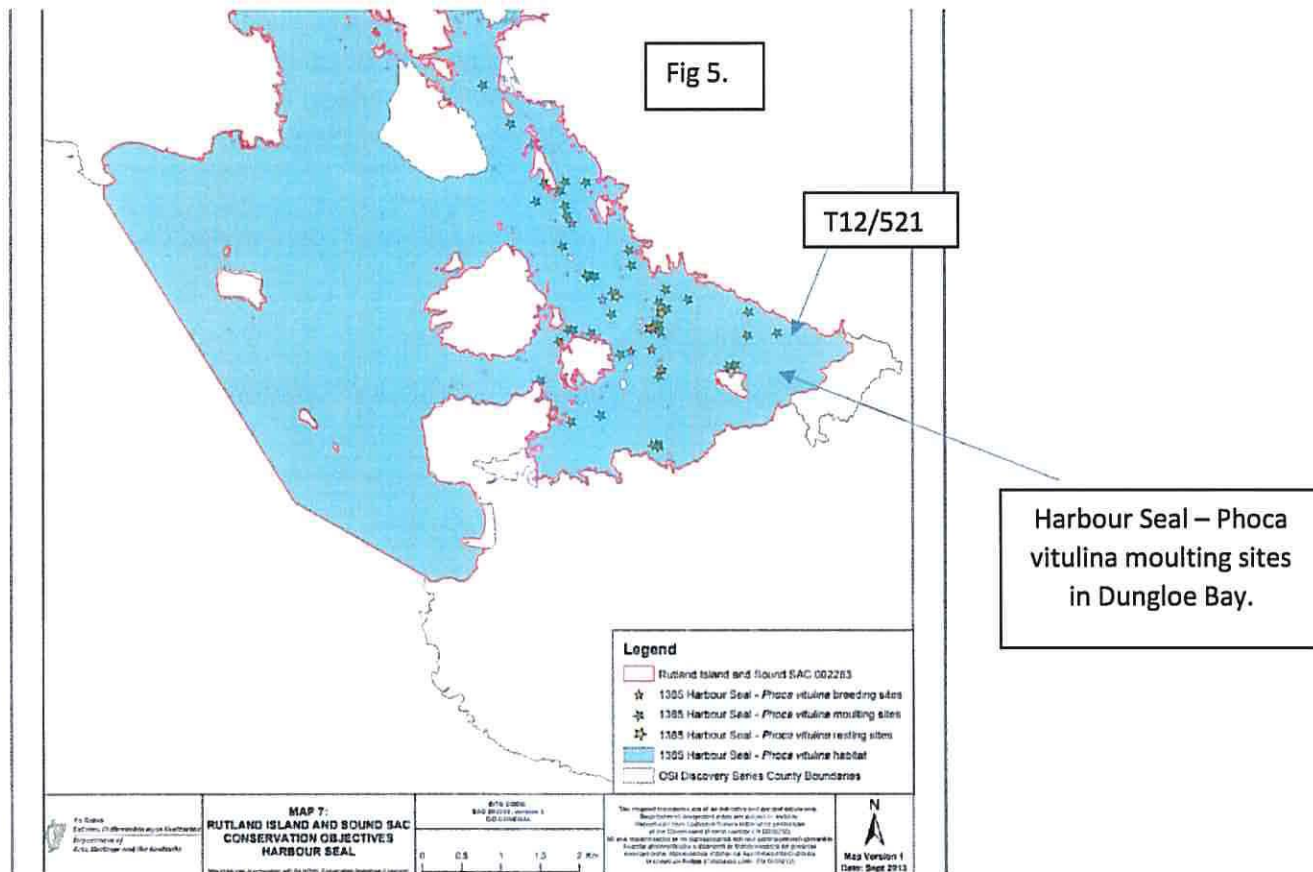
**National Parks and Wildlife Service, Conservation Objectives Series**

**Rutland Island and Sound SAC 002283, Department of Arts, Heritage and the Gaeltacht**

The following technical clarification is provided in relation to specific conservation objectives and targets for Annex II habitats to facilitate the appropriate assessment process:

**Objective** *To maintain the favourable conservation condition of harbour seal in Rutland Island and Sound SAC which is defined by the following list of attributes and targets.*

- Target 1 Species range within the site **should not be restricted by artificial barriers to site use.**
- Target 2 Conserve the **breeding sites in a natural condition.**
- Target 3 Conserve the **moult haul-out sites in a natural condition.**
- Target 4 Conserve the **resting haul-out sites in a natural condition.**
- Target 5 **Human activities should occur at levels that do not adversely affect the harbour seal population at the site.**





Conservation objectives supporting document – Marine Habitats & Species

Annex II Marine mammals - PHOCA VITULINA (HARBOUR SEAL)

Harbour seals in Rutland Island and Sound SAC occupy both aquatic habitats and intertidal shorelines that become exposed during the tidal cycle. The species is present at the site throughout the year during all aspects of its annual life cycle which includes breeding (May to July approx.), moulting (August to September approx.) and non-breeding foraging and resting phases. In particular, comparatively limited information is available from the last period in the annual cycle spanning the months of October to May. **In acknowledging the limited understanding of aquatic habitat use by the species within the site it should be noted that all suitable aquatic habitat is considered relevant to the species range and ecological requirements at the site and is therefore of potential use by harbour seals.**

Harbour seals are vulnerable to disturbance during periods in which time is spent ashore or in shallow waters, by individuals or groups of animals. This occurs immediately prior to and during the annual breeding season which takes place predominantly during the months of May to July. Pups are born on land, usually on **sheltered shorelines, islets or skerries and uninhabited islands** removed from the risk of predation and human interference. While there may be outliers in any year, specific established locations tend to be used annually for breeding-associated behaviour by adult males, adult females and their newborn pups. **Such habitats are critical to the maintenance of the species within any site.** Pups are able to swim soon after birth and may be observed accompanying their mother close to shore in the early days or weeks of life. They are nursed for a period of several weeks by the mother prior to weaning and abandonment. During this period adult females mate with adult males, an activity that takes place in the water. **Current information on breeding locations selected by harbour seals in Rutland Island and Sound SAC is comparatively limited.** Known and suitable habitats for the species in Rutland Island and Sound SAC during the breeding season are indicated in figure 4. The necessity for individual seals to undergo an annual moult (i.e. hair shedding and replacement), which generally results in seals spending more time ashore during a relatively discrete season, provides an opportunity to record the minimum number of harbour seals occurring in a given area (i.e. minimum population estimate). Moulting is considered an intensive, energetically-demanding process which incurs further vulnerability for individuals during this period. Terrestrial or intertidal locations where seals can be found ashore are known as haul-out sites. The harbour seal moult season takes place predominantly during the months of August to September. A combined total of 268 harbour seals were recorded ashore within Rutland Island and Sound SAC during a national aerial survey for the species in August 2003. A repeat aerial survey in August 2011 recorded 230 harbour seals within the site. **Suitable habitat for the species along with known moult haul-out locations in Rutland Island and Sound SAC are indicated in figure 5.** Harbour seal is a successful aquatic predator that feeds on a wide variety of fish, cephalopod and crustacean species. For individual harbour seals of all ages intervals between foraging trips in coastal or offshore waters are spent resting ashore at terrestrial or intertidal haul-out sites or in the water. Outside the breeding and moulting seasons (i.e. from October to April) the location and composition of haul-out groups and individual seals may be different to those normally observed during breeding or moulting. **Current information on resting locations selected by harbour seals in Rutland Island and Sound SAC outside the moulting season is comparatively limited.**

**In the area of this proposed licence there a number of moult haul-out sites. In NPWS Conservation objectives supporting document – Marine Harbour and Species 2013 for site code 2283 objectives and targets are set out. It is clear if this licence is permitted it will result in significant interference with and disturbance of moulting behaviour. It will also cause displacement of individual seals from a moult haul-out sites which ultimately interferes with the key ecological functions.**

The granting of this aquaculture licence is contrary to the targets set out: the seals will be restricted by artificial barriers, breeding, moulting and resting sites will not be maintained in their natural condition with the introduction of oyster farm and the human activities relating to them will occur at levels that will adversely affect the seals. The advice from NPWS that all these targets need to be adhered to and the granting of this licence will not maintain the favourable conservation of our harbour seal. Also, they state that current information is comparatively limited which means further studies should be completed before this licence is granted.

**Reference NPWS 2013 Document : Conservation objectives supporting document – Marine Harbour and Species 2013**

[https://www.npws.ie/sites/default/files/publications/pdf/002283\\_Rutland%20Island%20and%20Sound%20SAC%20Marine%20Supporting%20Doc\\_V1.pdf](https://www.npws.ie/sites/default/files/publications/pdf/002283_Rutland%20Island%20and%20Sound%20SAC%20Marine%20Supporting%20Doc_V1.pdf)

**Appropriate Assessment for Dungloe Bay**

With regard to Appropriate Assessment for Dungloe Bay - Report supporting Appropriate Assessment of Aquaculture in Rutland Island and Sound SAC (Site code: 02283), prepared by Marine Institute for the Department of Agriculture, Food and Marine, we draw your attention to conclusion within the AA that clearly states that intensification of aquaculture and granting of new applications will have a disturbing effect on the Rutland and Sound SAC specifically relating to harbour seal populations. This application and the intertidal access route are located much too near to the **known** moulting sites. Granting this application by the minister would clearly be in complete contradiction of the department's own AA for Dungloe Bay.

It clearly states within the AA that current level of aquaculture activity are conducive with the favourable conservation status. In addition, it would appear that the **current level** of activity at the sensitive times of the year (breeding and moulting, i.e. May to September) is sufficient to maintain stable seal counts at the site.

***AA Donegal County Development Plan***

The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest in the Natura 2000 network. Favourable conservation status is defined in generic terms as follows.

Favourable conservation status of a habitat is achieved when:

- ♣ its natural range, and area it covers within that range, are stable or increasing, and
- ♣ the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- ♣ the conservation status of its typical species is favourable, mendable, likely to succeed, proportionate and enforceable, and they must be approved by the Minister.

***FINAL APPROPRIATE ASSESSMENT CONCLUSION STATEMENT: SUMMARY OF MITIGATION MEASURES AND MANAGEMENT ACTIONS THAT ARE BEING IMPLEMENTED AS A CONSEQUENCE OF THE FINDINGS IN THE APPROPRIATE ASSESSMENT PROCESS***

☑ Access routes for T12/481A, T12/521 and T12/545A amended to also maintain a buffer from the seal sites while also ensuring no overlap/proximity issues with other habitats/species.

☑ A Licence condition will be inserted requiring strict adherence to the approved access routes in order to minimise species/habitat disturbance;

The AA also states that a 200m radius

**Extracts from National Parks and Wildlife Service - Conservation Objectives Series - Rutland Island and Sound SAC**

'In acknowledging the limited understanding of aquatic habitat use by the species (harbour seal) within the site it should be noted that **all suitable aquatic habitat is considered relevant** to the species range and ecological requirements at the site **and is therefore of potential use by harbour seals.**'

'Current information on resting locations selected by harbour seals in Rutland Island and Sound SAC outside the moulting season is comparatively limited'.

**Much more indebt information gathering needs to be carried out to establish the details required to make any assessment on the impact Aquaculture licenses will have on our seals in Dungloe Bay. We do not have access to the changes proposed above. Rerouting access roads, redrawn sites as stated above is not sufficient considering that the NPWS has stated that all suitable aquatic habitat is considered relevant and of potential use by harbour seals and that the current information on resting locations is limited.**

The FINAL APPROPRIATE ASSESSMENT CONCLUSION STATEMENT BY LICENSING AUTHORITY IN SUPPORT OF THE APPROPRIATE ASSESSMENT OF AQUACULTURE IN RUTLAND ISLAND AND SOUND SAC (SITE CODE: 002283) also states

'The re-drawing of licenced boundaries might be considered to retain the current distances from existing aquaculture structures to haul-out locations (i.e. approximately a 200m radius buffer). Many of the proposed aquaculture sites (applications) directly overlap or have access routes that run very close to seal haul-out locations (see Figure 8.2). **There would appear** to be a strong potential for disturbance and possible access issues if these applications are granted and fully developed. While in some instances the application sites might be truncated to minimise the potential impact on seal haul-out areas, in others there are no obvious measures possible that might mitigate or reduce the risk, so the impacts on the seal conservation features from these proposed activities **cannot be discounted**, in particular at sites where seals may be naive to development activities.'

We are unable to find evidence that a 200m radius buffer from haul-out sites is sufficient.

**AA Conclusion: Harbour Seal** - Harbour seals are a designated feature of the Rutland Island & Sound SAC. All fisheries extract fish biomass which **may reduce habitat quality** for this designated species.

The licensing authority need to be able to conclude beyond reasonable doubt that the QI communities will not be disturbed. , as outlined in the ECJ ruling for C-404/09 [Commission v Spain] which held that "[a]n assessment made under 1 Article 6(3) of the Habitats Directive cannot be regarded as appropriate if it contains gaps and lacks complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the SPA concerned."

Similarly, the court held in the case of the Commission v Italy that "assessment must be organised in such a manner that the competent national authorities can be certain that a plan or project will not have adverse effects on the integrity of the site concerned, given that, where doubt remains as to the absence of such effects, the competent authority will have to refuse permission." (C304/05 . Para 58)

**National Parks and Wildlife - Rutland Island and Sound SAC (site code: 2283)**

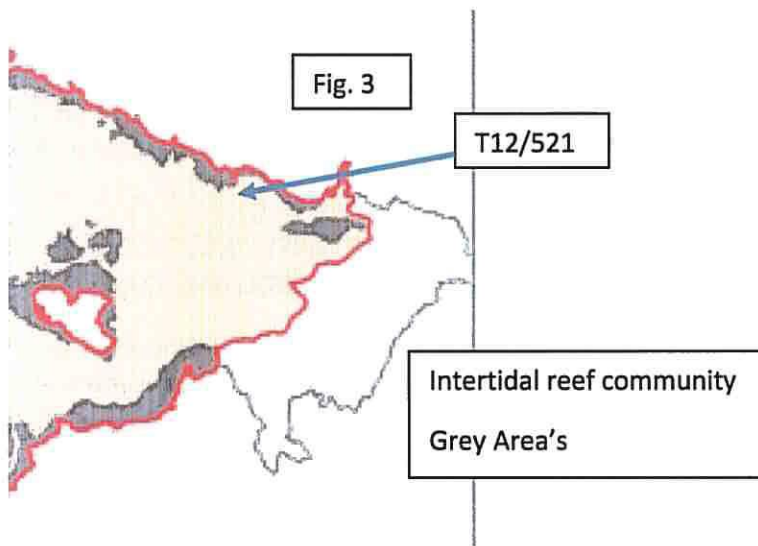
**Conservation objectives supporting document – Marine Habitats & Species**

The following technical clarification is provided in relation to specific conservation objectives and targets for Annex I habitats to facilitate the appropriate assessment process:

**Objective 1** To maintain the favourable conservation condition of Reefs in Rutland Island and Sound SAC, which is defined by the following list of attributes and targets:

**Target 3 - Conserve the following community types in a natural condition:**

**Intertidal reef community and Laminaria-dominated community complex.1170**



### INTERTIDAL REEF COMMUNITY

This intertidal reef community occurs extensively throughout the site in exposure regimes ranging from sheltered to moderately exposed shores.

Species associated with the Intertidal reef community:

*Pelvetia canaliculate*, *Ramalina siliquosa*, *Ascophyllum nodosum*, *Vertebrata lanosa*, *Fucus vesiculosus*, *Nucella lapillus*, *Littorina* sp. *Semibalanus balanoides*, *Patella vulgate*, *Gibbula cineraria*, *Verrucaria maura*,

***Target 3 the Intertidal Reef Community must be conserved in their natural condition.***

**Objective 2** To maintain the favourable conservation condition of (1160) Large shallow inlets and bays in Rutland Island and Sound SAC, which is defined by the following list of attributes and targets:

**Target 5 Conserve the following community types in a natural condition:**

- Coarse sediment with crustacean's community complex;
- Sand with *Tellina* sp. and *Perioculodes longimanus* community complex;  
This community complex occurs intertidally and subtidally throughout the site from its northerly extreme to its southern boundary.
- **Intertidal reef community;** and *Laminaria*-dominated community complex.

FINAL APPROPRIATE ASSESSMENT CONCLUSION STATEMENT BY LICENSING AUTHORITY IN SUPPORT OF THE APPROPRIATE ASSESSMENT OF AQUACULTURE IN RUTLAND ISLAND AND SOUND SAC (SITE CODE: 002283)

*ASSESSMENT OF THE EFFECTS OF AQUACULTURE PRODUCTION ON THE CONSERVATION OBJECTIVES FOR ANNEX I HABITATS IN THE RUTLAND ISLAND AND SOUND SAC - Intertidal oyster cultivation*

The combined spatial overlap of current and proposed oyster trestle cultivation is confined to one constituent community type identified for the Qualifying Feature habitat of (1170) Reefs (i.e. 4.87% overlap with Intertidal reef community). Given the importance of macroalgae to this community type, **the presence of structures and activity among the trestles can result in shading and physical damage. This activity is considered disturbing to 1170 and this community type (Intertidal reef community).**

**Shading** - Suspended culture: The structure associated with suspended culture (e.g. trestles & bags, baskets & cages etc.) have the potential to prevent light penetration to the seabed and therefore potentially impact on light sensitive species such as maerl, seagrass and macroalgae.

**Fouling/Habitat creation** - All culture methods: The structures associated with aquaculture, and the culture organisms themselves provide increased habitat for fouling species to colonise and therefore increase diversity; results in increased secondary production and increased nekton production.

**Nutrient Exchange** - All culture methods: By their suspension feeding nature, removing particulate matter from the water column and releasing nutrients in solid and dissolved forms, bivalves influence benthic-pelagic coupling of organic matter and nutrients. Intensive bivalve culture can cause changes in ammonium and dissolved inorganic nitrogen resulting in increased primary production. The removal of nitrogen from the system is caused by both removal via harvest or denitrification at sediment surface.

### **Physical Effects of Aquaculture**

The structures used in aquaculture (e.g. trestles & bags, baskets & cages etc.) can alter the hydrodynamics of an area i.e. increase/decrease water flow, this is known as the "Baffling effect". An increase in water flow will result in scouring of the seafloor leading to an increase in coarse sediment while a decrease in current flow will result in an increase in the amount of fine particles being deposited. Both result in a change in the sedimentary habitat structure and therefore can lead to change in the composition of the benthic infaunal community.

The intertidal habitat can be affected by the presences of cages directly on the seabed and ancillary activities on-site i.e. servicing, vehicles on shore; human traffic and boat access lanes, causing an increased risk of sediment compaction resulting in sediment changes and associated community (infaunal and epifaunal) changes. Such activities can result in shallow and/or deep physical disturbance causing burrows to collapse, deeply burrowed organisms to die due to smothering and/or preventing siphon connection to the sediment surface or by directly crushing the animal.

### **The Appropriate Assessment states:**

Screening of the Qualifying Interests against the proposed activities is based primarily on spatial overlap i.e. **if the Qualifying Interests overlap spatially with the proposed activities then impacts due to these activities on the Conservation Objectives for the Qualifying Interests is not discounted** (not screened out) **except where there is absolute and clear rationale for doing so**. Conversely, if there is no spatial overlap and no obvious interaction is likely to occur, then the possibility of significant impact is discounted and further assessment of possible effects is not deemed necessary.

Screening is based primarily on spatial overlap – is this sufficient?

A number of species have been ruled out at screening stage – which is primarily on spatial overlap.

Effects can be direct or indirect, in situ or ex situ and physical **overlap is not essential**.

The spatial overlap percentage is provided for the overall Rutland Island and Sound SAC. The department if considering that only spatial overlap is sufficient to grant this application should have conducted the spatial overlap for each application. The Appropriate Assessment clearly states that there should be a clear rationale provided on the impacts. NPWS Guidance suggests using a 15km radius initially to examine potential for impact but this may be extended if pathways for potential impact exist.

*Final Appropriate Assessment Conclusion Statement states* - While mapping may indicate some overlap of aquaculture activities on reef communities, is it **unlikely** that this will occur due to the (uneven) nature of the seabed and accessibility issues. Therefore, in-combination effects between aquaculture operations and fishery activities that are likely to be disturbing to reef community types are **unlikely** to occur and can be discounted.

The licensing authority need to be able to conclude beyond reasonable doubt that the QI communities will not be disturbed. , as outlined in the ECJ ruling for C-404/09 [Commission v Spain] which held that "[a]n assessment made under 1 Article 6(3) of the Habitats Directive cannot be regarded as appropriate if it contains gaps and lacks complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the SPA concerned."

Similarly, the court held in the case of the Commission v Italy that "assessment must be organised in such a manner that the competent national authorities can be certain that a plan or project will not have adverse effects on the

integrity of the site concerned, given that, where doubt remains as to the absence of such effects, the competent authority will have to refuse permission." (C304/05 . Para 58)

#### **"Determination of Aquaculture/Foreshore Licensing Application – T12/397A, B and C - Refusal**

☒ Potential disturbance to the area due to the scale of operations changing the morphology of the bay;

**OTTER: Final Appropriate Assessment Conclusion Statement states that;**

#### **ASSESSMENT OF THE EFFECTS OF AQUACULTURE PRODUCTION ON THE CONSERVATION OBJECTIVES FOR OTTER (LUTRA LUTRA) IN THE GWEEDORE BAY AND ISLANDS SAC**

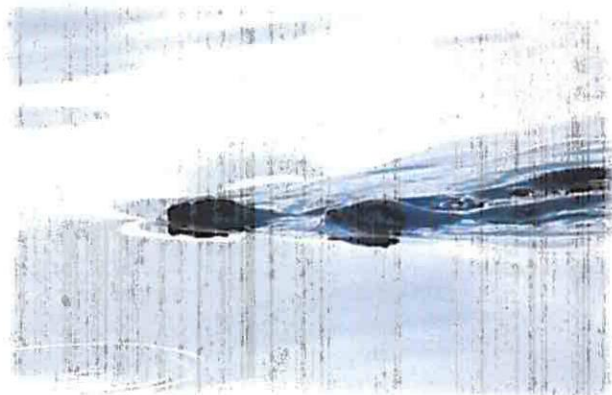
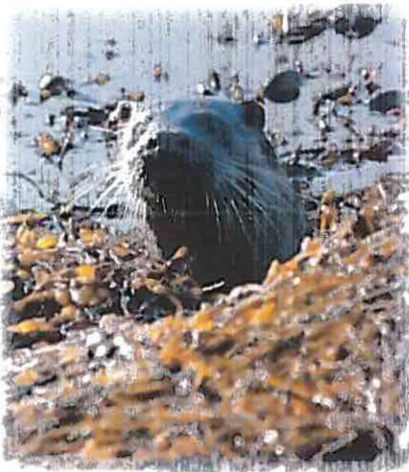
Gweedore Bay and Islands SAC, which adjoins the Rutland Island and Sound SAC in the northwest, is designated for the otter (*Lutra lutra*); Conservation Objectives for the species within the SAC have been defined by NPWS and primarily relate to population size and distribution (NPWS, 2015a). It is acknowledged in this assessment that **the favourable conservation status of the otter has been achieved (NPWS 2015a) in the Gweedore Bay and Islands SAC given current levels of aquaculture production within the Rutland Island & Sound SAC.**

As the aquaculture production activities within the Rutland Island and Sound SAC do not spatially overlap with otter territory in the Gweedore Bay and Islands SAC, individuals may migrate into the Rutland Island and Sound SAC and as a result **may interact** with aquaculture activities in the bay.

The licensing authority need to be able to conclude beyond reasonable doubt that the QI communities will not be disturbed. , as outlined in the ECJ ruling for C-404/09 [Commission v Spain] which held that "[a]n assessment made under 1 Article 6(3) of the Habitats Directive cannot be regarded as appropriate if it contains gaps and lacks complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the SPA concerned." Similarly, the court held in the case of the Commission v Italy that "assessment must be organised in such a manner that the competent national authorities can be certain that a plan or project will not have adverse effects on the integrity of the site concerned, given that, where doubt remains as to the absence of such effects, the competent authority will have to refuse permission." (C304/05 . Para 58)

*These photo's below take of the otters in Inner Dungloe Bay.*





**Final Appropriate Assessment Conclusion Statement also states that;**

Introduction of non-native species - Oyster culture may present a risk in terms of the introduction of non-native species as the Pacific oyster (*Crassostrea gigas*) itself is a non-native species. Recruitment of *C. gigas* has been documented in a number of Bays in Ireland. The risk of Pacific oysters naturalising in Rutland Island and Sound **cannot be discounted**.

While there is minimal risk associated with the introduction of hitchhiker species with hatchery reared oyster seed, the risk posed by the introduction of '½-grown' or 'wild' seed originating from another jurisdiction (e.g. Britain, France) **cannot be discounted**. And

Otters are a designated feature of the Gweedore Bay & Islands SAC, which adjoins the Rutland Island & Sound SAC. Otters may migrate from Gweedore Bay into Rutland Island & Sound SAC and may interact with fishing pots and creels. All fisheries extract fish biomass which **may reduce habitat quality** for this designated species.

To grant this application is premature given that we have otters, which are a protected species, in the Inner Dungloe Bay. Further studies need to be carried out to assess the possible implications the granting of this application will have on their habitat.

We note from the Final Appropriate Assessment Report that there is no reference to reports being received from An Taisce. Was this application referred to them for comment?

The licensing authority need to be able to conclude beyond reasonable doubt that the QI communities will not be disturbed, as outlined in the ECJ ruling for C-404/09 [Commission v Spain] which held that "[a]n assessment made

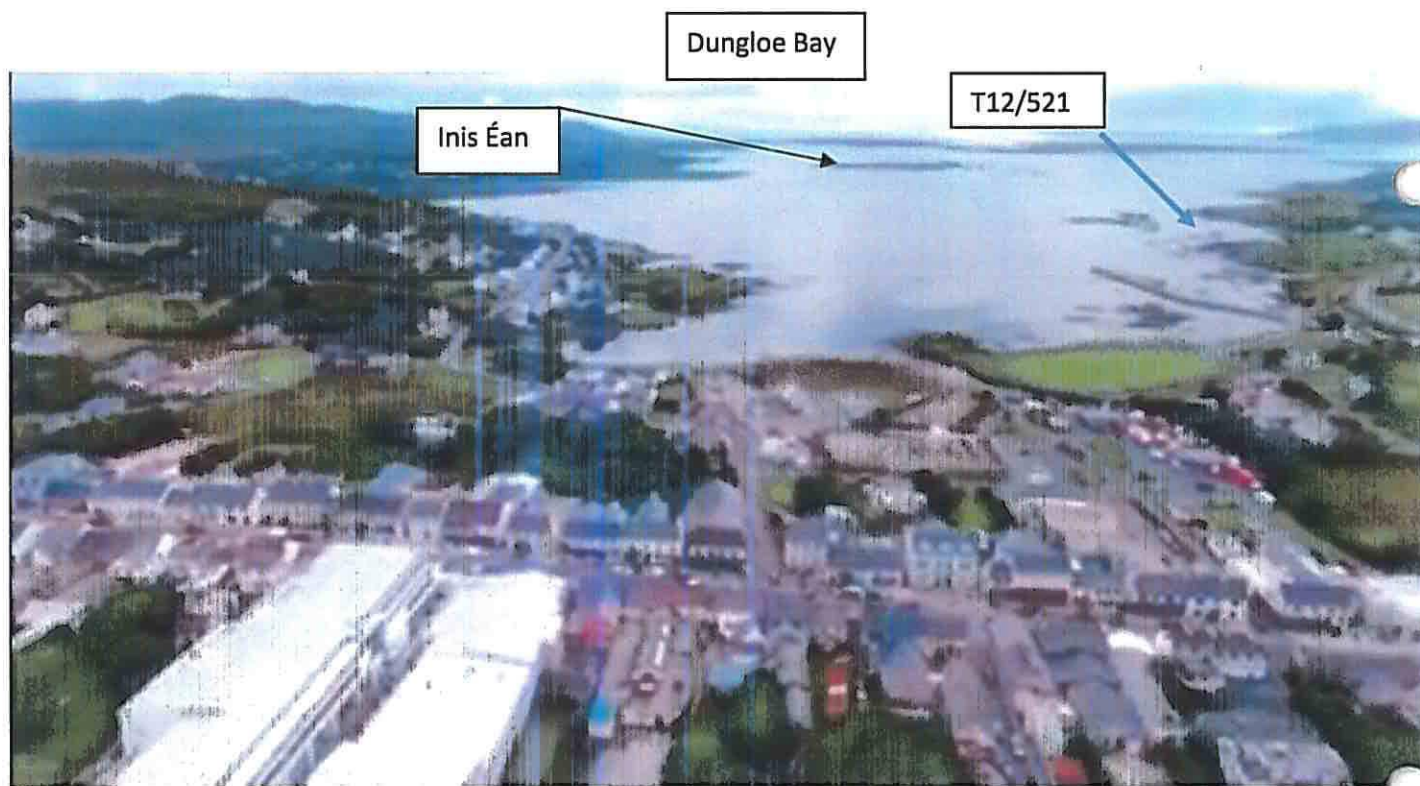
under 1 Article 6(3) of the Habitats Directive cannot be regarded as appropriate if it contains gaps and lacks complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the SPA concerned."

Similarly, the court held in the case of the Commission v Italy that "assessment must be organised in such a manner that the competent national authorities can be certain that a plan or project will not have adverse effects on the integrity of the site concerned, given that, where doubt remains as to the absence of such effects, the competent authority will have to refuse permission." (C304/05 . Para 58)

**Visual Impact:**

We have lived in the area and its vicinity all our lives and have always enjoyed the tranquillity, quietude and unspoilt attributes associated with Dungloe Bay, including the and calm waters.

Dungloe town is built around the Bay with our homes overlooking it and it's felt that the impact of this aquaculture licence, would greatly impede on the area's unique landscape and unblemished topography.





This proposed Aquaculture licence will be visible from Quay Road, Mill Road, Caravan Road, Pole Road, Tubberkeen, Meenmore, Crocknageeragh, Fairhill, Dungloe Main Street and from premises on one side of Dungloe Main Street. It will be visible from our homes and businesses at all times of the day, everyday of the year.

The siting of aquaculture licence in the Inner Dungloe Bay is not acceptable.

### Wild Atlantic Way

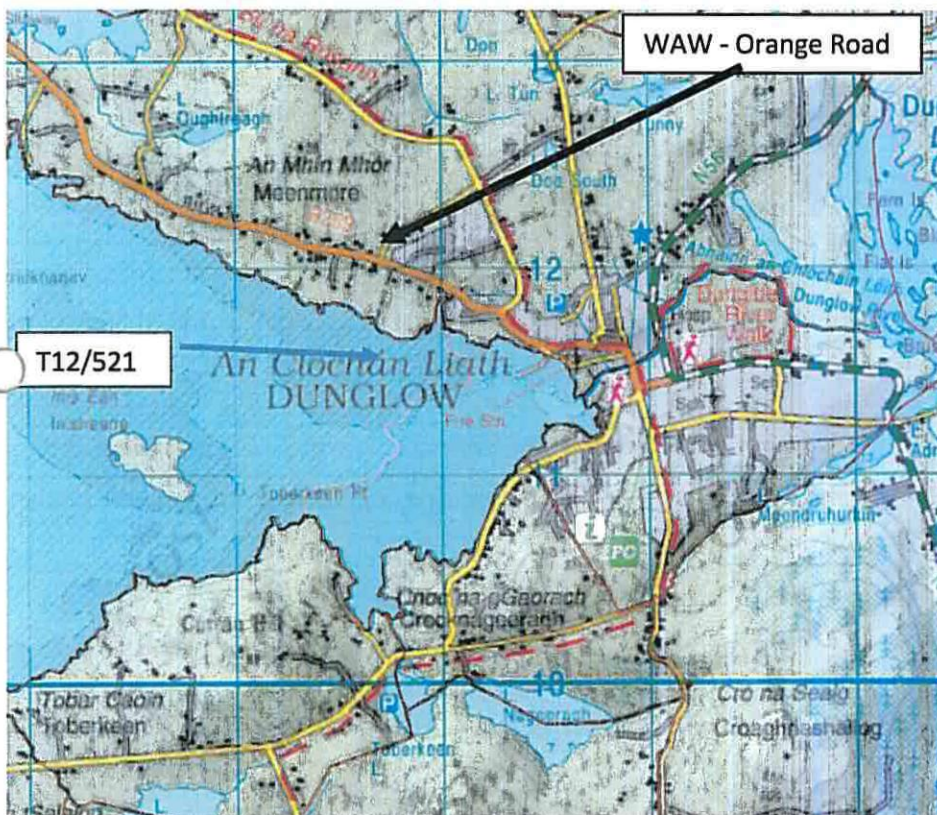
The Wild Atlantic Way is Ireland's first long-distance touring route, stretching along the Atlantic coast from Donegal to West Cork. The overall aim of the project is to develop a route that will achieve greater visibility for the west coast of Ireland in overseas tourist markets :*Fáilte Ireland*

### Project goals

The Wild Atlantic Way is one of Fáilte Ireland's signature projects to rejuvenate Irish tourism. Once fully-realised, the project will:

- assist in increasing visitor numbers, dwell time, spend and satisfaction along all parts of the route
- re-package the Atlantic seaboard as a destination to overseas and domestic visitors
- improve linkages between, and add value to, a range of attractions and activities
- improve on-road and on-trail interpretation, infrastructure and signage along and around the route
- direct visitors to less-visited areas
- build on the work completed in these areas already and assist businesses, agencies, local groups and other stakeholders along the area to work together
- reinforce the particular strengths and characteristics of all of the areas located along the west coast, while offering the visitor one compelling reason to visit

We are delighted that Dungloe is on the WAW and have seen a huge increase in our tourism market over the past few years.

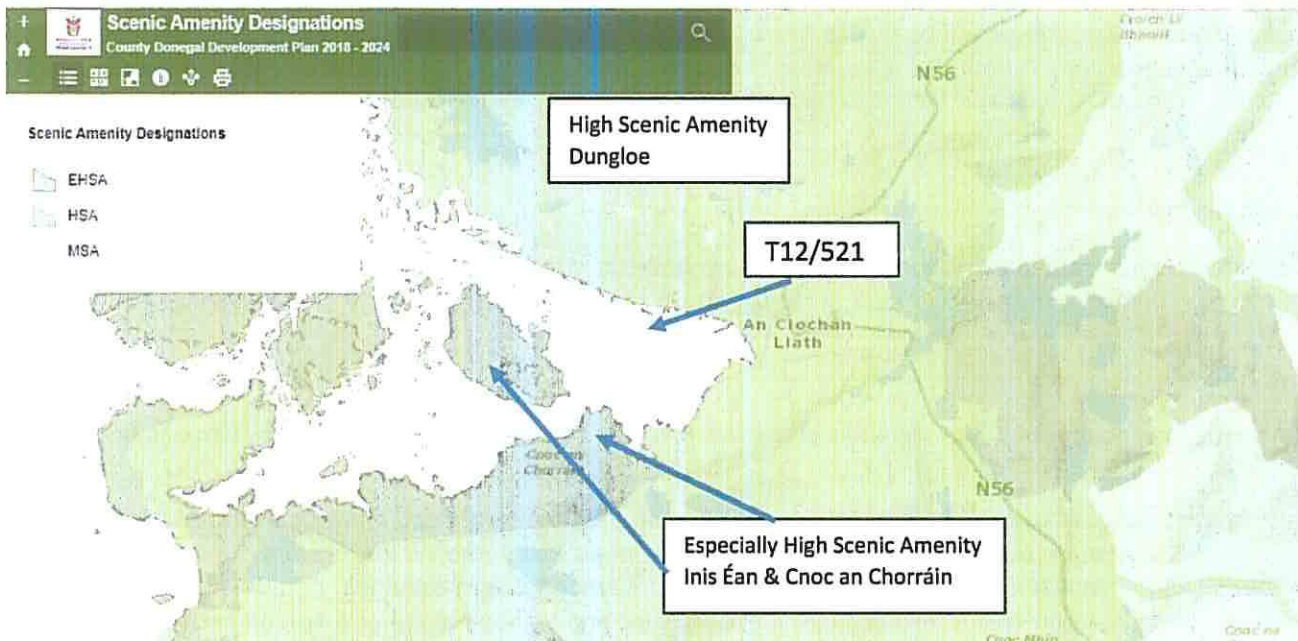


We currently can boast of the beauty of our unspoilt bay with its huge seal and bird populations, The Pond, new Bay Walk, Heritage Buildings, recreational areas and activities etc. This proposed aquaculture licence will destroy our unspoilt Bay, which will be clearly visible from the WAW (orange road) and have a negative effect on our growing tourism industry.

Donegal Airport - voted the world's most scenic airport is approximately 15-minute drive from Dungloe Town which makes us very accessible to foreign visitors with two daily return flights from Dublin and five return flights from Glasgow weekly.

### Donegal County Development Plan:

**2B.2.9 Tourism County Donegal** evidences a successful and strengthening tourism sector accounting for three times as many visitors as DC&SDC. Substantial work to develop visitor attractions, visitor experience and accommodation is continuing including full engagement in the promotional and marketing strategy of the **WAW**. The improvement of connectivity, including cross-border greenways is important in supporting visitor access to the region.



### 3.3 The Thematic Areas of Potential in Relation to Each Strategic Town

As outlined in Section 3.2, there are 6 common themes that cut across the 23 towns identified as 'Strategic Towns' due to their 'Special Economic Function,' as well as other specific reasons for identification. Table 3.2 identifies the relevant themes or specific reasons for identification. Note; the themes identified should not be taken as an exhaustive list as there may be other areas of potential to be built upon.

**Table 3.2: The Reasons for Identification of 'Strategic Towns', Performing 'Special Economic Functions'**

Town	Reasons for Identification as a 'Strategic Town', Performing a 'Special Economic Function.'
<b>An Clochán Liath (Dungloe)</b>	Tourism and Wild Atlantic Way. Irish Language. Centre for delivery of Local Authority services.

Dungloe's 4\* Waterfront Hotel is situated overlooking Dungloe Bay. The hotel is currently building a multi-million euro Spa which has direct views of Dungloe Bay. The hotel will be using its views of Dungloe Bay as their marketing tool. This aquaculture licence will be visible from the hotel and their new Spa which will greatly impact on our visitor experience of the tranquillity, quietude and unspoilt attributes of Dungloe Bay.

The Waterfront Hotel is building new bedrooms which have been marketed and are booked up through foreign markets - China and USA for the coming season.

Our other tourism providers ie. B & B's, restaurants, bars boast of the beautiful sea views over Dungloe Bay.

Oyster farming, as a commercial activity, is specially structured and orientated to take full advantage of the biology and life cycle of the target species. Depending on the methods of cultivation and techniques involved, harvesting of shellfish can cause considerable visual obstruction. The technique favoured by the applicant involves the use of 'Oyster Trestles' which, as physical steel structures of varying heights, are easily visible. Additionally, the installation of 'navigation poles' along the marine bed which, are designed to be much greater in height than trestles, may also be considered to be unsightly.

*The Application T12/417 in Ballyganny was not allowed because of:*

**- the visual and landscape impacts arising from the development of Site T12/417A would be significant and outside the acceptable range for licensing when short distance views from the public road to the N/NW (locally known as the Point Road) are considered.**

- the proposed aquaculture development would be prominent in view, due to its location on a large and elongated site with background mountainous areas of High Scenic Amenity.

"Determination of Aquaculture/Foreshore Licensing Application – T12/397A, B and C - Refusal

**☑ Possible scenic impacts from the proposed aquaculture are considered low to moderate. Views may be affected from the Wild Atlantic Way;**

Views from the WAW will be greatly affected in Dungloe if this application is granted.

The views from Quay Road, Mill Road, Caravan Road, Pole Road, Tubberkeen, Meenmore, Crocknageeragh, Fairhill, are spectacular. They are just as spectacular as the views referred to in the 'Determination Not to Grant' in Application T12/417 & T12/397A, B and C.

The views of Dungloe Bay are designated in the Donegal County Development Plan as High Scenic Amenity. The views from Inis Éan and Cnoc an Chorráin as Especially High Scenic Amenity.

We strongly object to granting this application over the protection, freedom and pleasure that we and all of the above-mentioned species currently enjoy in the Inner Dungloe Bay.

We disagree with the Minister's statement - **i. Taking account of the recommendations of the Appropriate Assessment the aquaculture activity at this site is consistent with the Conservation Objectives for the SAC/SPA & j. No significant impacts on the marine environment and the quality status of the area will not be adversely impacted;**

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

The Minister for Agriculture, Food and the Marine has determined that it is in **public interest** to grant a variation of the licences sought.

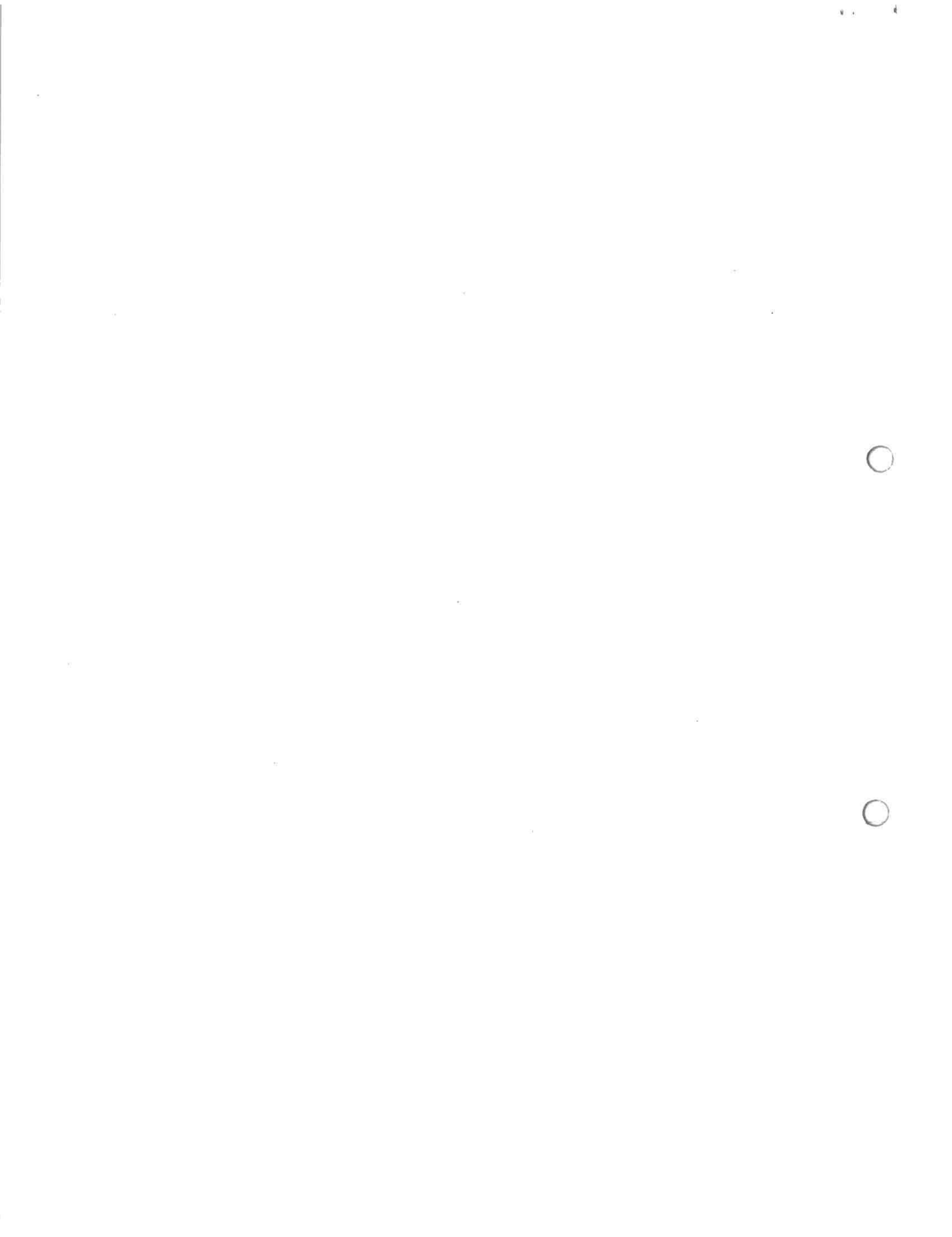
We fail to see how the public interest is served. We see no direct benefits in the community. The only very limited benefits to the community maybe in the form of a few jobs.

The access roads, and others, are being degraded. There is no contribution to the County Council for infrastructure, as is demanded for any other type of development, however small, in the normal Planning & Development process.

The value of our homes and property will be greatly reduced if this development is granted. We currently have uninterrupted and unspoilt views over Dungloe Bay which are designated as of High Civic Amenity in the Donegal County Development Plan and on the WAW. It will alter and reduce the area of our bay for leisure activities. As a result, the bay is understandably a major lure and pull factor for visitors and potential buyers when coming to the region, and any development which could potentially restrict or limits its usage for water based leisure activities should not be allowed.

The economy of Donegal has benefitted greatly from Tourism especially with the introduction of the Wild Atlantic Way. There is a need for people to make a living, but a balance needs to be maintained without degrading the wild and unspoilt nature of the Donegal landscape with disproportionate development of industrial aquaculture, which is in danger of becoming a monoculture with no biodiversity.

We ask the Board to consider our appeal reasons and to refuse this application.



This is a report from An Taisce which we received 18<sup>th</sup> November 2019 outlining there concerns in relation to proposed Aquaculture Licence Applications in Dungloe Bay. We ask that you consider same in this Appeal.



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

[03/07/2019]

## **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 T12/205 a/b/c, T12/315, T12/506a, T12/481a, T12/545a, T12/486a, T12/487a, T12/316a, T12/493a, T12/494a, T12/513a and T12/521a, in Dungloe Bay, County Donegal, and would like to make the following submission in relation to these applications.

### **1. Inconsistent Information**

An Taisce note that the application forms for T12/315, T12/205/A and T12/205B mention only cultivation by means of trestles, but the AA report outlines that:

*'Four other sites (T12/315, T12/205A, T12/205B and T12/205C) are currently licensed for the bag and trestle system only but the company has applied in its renewal applications to use cages alongside trestles in these sites.'*

An Taisce submit that this is unclear in the applications pertaining to each of these sites, and leads to confusion and misinterpretation. This is in contravention of the Aarhus Convention which has been implemented by Directive 2003/35/EC, which requires that all information is made available to the public to allow them to participate in the decision making process.

### **2. Harbour Seal**

An Taisce would express concern that one of the mitigation measures in the Conclusion Statement is:

*'Due to the proximity of either the proposed access routes and/or the actual sites to Seal haul out/moulting/breeding sites, and the fact that there is no specific barrier to access e.g. tidal channel, licensing of affected sites may not be possible.'*

**An Taisce is a membership-based charity | Join at [www.antaisce.org/membership](http://www.antaisce.org/membership)**

***Protecting Ireland's heritage, safeguarding its future***

An Taisce – The National Trust for Ireland | Tailors' Hall, Back Lane, Dublin, D08 X2A3, Ireland |  
[www.antaisce.org](http://www.antaisce.org) +353 1 707 7076 | [info@antaisce.org](mailto:info@antaisce.org)  
Company Limited by Guarantee | Company 12469 | Charity CHY 4741 | Charity Regulator No. 20006358  
EU Transparency Register No. 89747144047-77

**Directors:** Philip Kearney, Christopher Massl, Patricia Oliver, Judy Osborne (British), John Pierce (Chair),

However, An Taisce would highlight the statement in the AA report which outlines:

*'While in some instances the application sites might be truncated to minimise the potential impact on seal haul-out areas, in others there are no obvious measures possible that might mitigate or reduce the risk, so the impacts on the seal conservation features from these proposed activities **cannot be discounted**, in particular at sites where seals may be naive to development activities.'* [An Taisce emphasis]

The licensing authority need to be able to conclude beyond reasonable doubt that the QI communities will not be disturbed, as outlined in the ECJ ruling for C-404/09<sup>1</sup> [Commission v Spain] which held that "*[a]n assessment made under Article 6(3) of the Habitats Directive cannot be regarded as appropriate if it contains gaps and lacks complete, precise and definitive findings and conclusions **capable of removing all reasonable scientific doubt as to the effects of the works proposed on the SPA concerned.***" [An Taisce emphasis]

Similarly, the court held in the case of the Commission v Italy that "*assessment must be organised in such a manner that the competent national authorities can be certain that a plan or project will not have adverse effects on the integrity of the site concerned, given that, **where doubt remains as to the absence of such effects, the competent authority will have to refuse permission.***" (C304/05<sup>2</sup>. Para 58) [An Taisce emphasis]

Before these sites can be licenced the relevant authority must be certain that there will be no significant impact on the qualifying habitat. The wording '*licensing of affected sites may not be possible*' does not seem to take into account the absolute requirement to prove a lack of impact. As such we submit that licencing of these affected sites cannot proceed without contravening Article 6(3) of the Habitats Directive.

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.

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<sup>1</sup> <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-404/09>

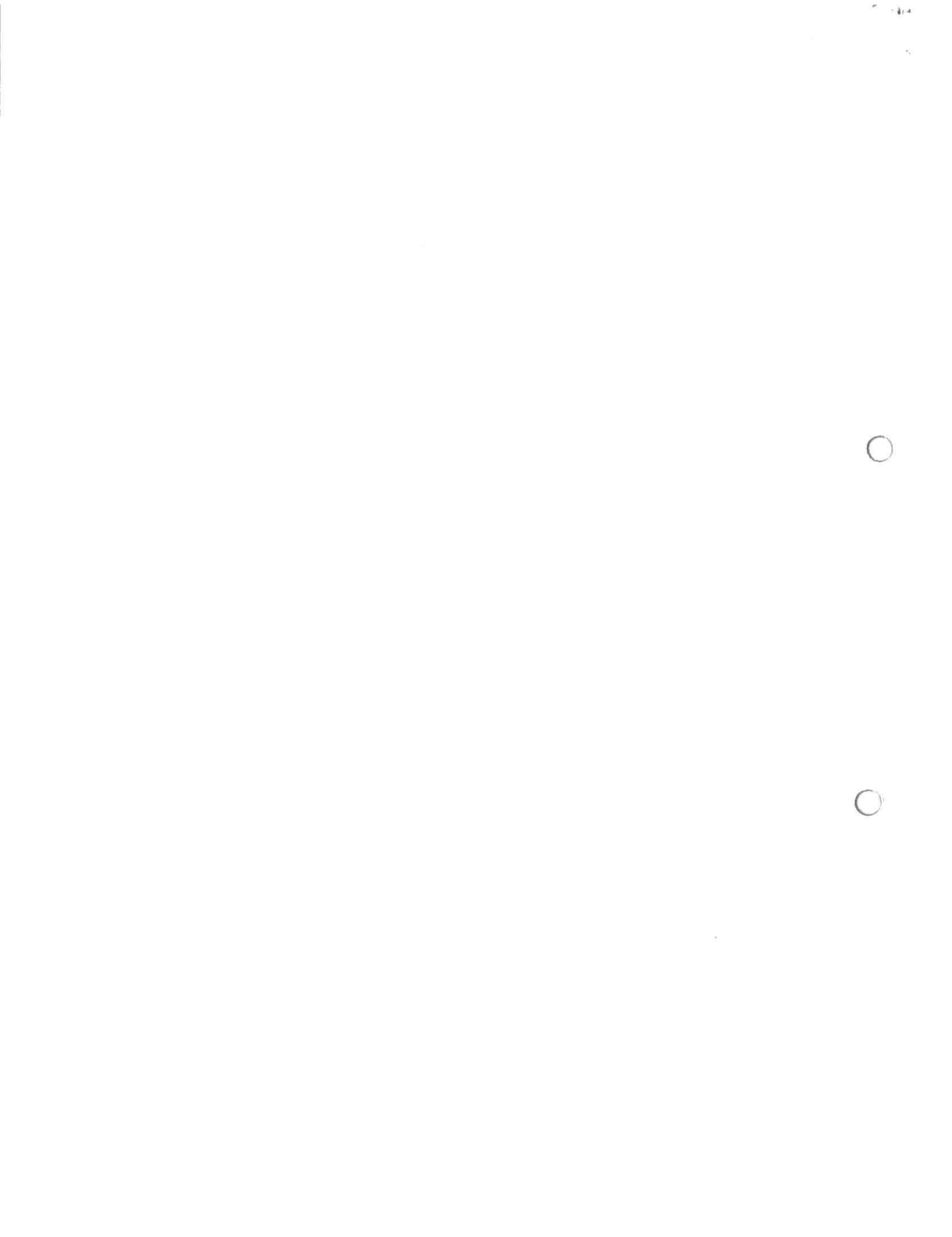
<sup>2</sup> <http://curia.europa.eu/juris/liste.jsf?language=en&jur=C,T,F&num=C-304/05&td=ALL>



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.



## Queries in relation to application form T12/521

The following are extracts taken from the application form and our comments:

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

**NB:** The accompanying Guidance Notes should be read before completing this form.

**Note:** Details provided in Parts 1 and 2 will be made available for public inspection. Details provided in Parts 3 and 4 and any other information supplied will not be released except as may be required by law, including the Freedom of Information Act 1997 as amended.

**USE BLOCK CAPITALS IN BLACK INK PLEASE**

For Office Use
Application Ref. No. <u>T12/521</u>
Date of Receipt (Dept. Stamp): 

### **GUIDANCE NOTES FOR APPLICANTS FOR AN**

### **AQUACULTURE LICENCES AND A COMPANION FORESHORE LICENCE**

#### **1.2 INSTRUCTIONS FOR FILLING OUT THE APPLICATION FORM:**

- The official Application Form must be used.
- Before completing the Application Form applicants should read these guidance notes.
- Arrange an appointment with the local Department Engineer and/or BIM Official. (contact details below) to have preliminary discussions regarding the proposal.
- Use **BLOCK LETTERS IN BLACK INK** when completing the application form.
- Complete the application form fully and accurately and supply all required supporting documentation to the Department of Agriculture, Food and the Marine, (Aquaculture & Foreshore Management Division), along with the specified Application Fee.
- **Additional pages** may be attached to the official Application Form if required to provide complete information on any matter relating to the application. As additional Information Sheets form part of the application, each additional page must be signed and dated by the applicant.

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

Gigas.

**Are these native or non-native? Common & Scientific name?**

**Licensing Authority's Appropriate Assessment Conclusion Statement:**

'Introduction of non-native species - Oyster culture may present a risk in terms of the introduction of non-native species as the Pacific oyster (*Crassostrea gigas*) itself is a non-native species. Recruitment of *C. gigas* has been documented in a number of Bays in Ireland. **The risk of Pacific oysters naturalising in Rutland Island and Sound cannot be discounted.**

While there is minimal risk associated with the introduction of hitchhiker species with hatchery reared oyster seed, the risk posed by the introduction of '½-grown' or 'wild' seed originating from another jurisdiction (e.g. Britain, France) **cannot be discounted.**

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

Good Firm Substrate.

Local knowledge tells us that this site is not a good firm substrate.

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

Yes  No

If yes give details.

SEE DESIGNATED AREA MAP.

The applicant has answered YES to the above – important – question. This application is **not** in a Designated Shellfish Waters Area.

Guidance Note 3.3.1 (a) states:

### 3.3 INFORMATION ON CONDITIONS AND DOCUMENTATION REQUIRED FOR LICENCE APPLICATIONS - (PART 2- DETAILS RELATING TO PROPOSED AQUACULTURE PROJECT)

#### 3.3.1 GENERAL

The following conditions must be met in order to allow for consideration of licensing of both land-based and marine-based aquaculture

##### (a) Designated Shellfish Area

A marine-based shellfish aquaculture application must state if it is in a Designated Shellfish Waters Area. The applicant can seek guidance from their respective BIM Regional Officer or Technical Section or by consulting the Department of Environment, Community and Local Government website



(xviii) Are there known sources of pollution in the vicinity e.g. sewage outfall?  
If yes please give full details.

Yes / No

NO

**There are two discharge licences in the Inner Dungloe Bay: 1. Lwat33 Proiseail & 2. D0208-01 Irish Water Dungloe WWTP)**

We have provided further detail on pollution in the vicinity earlier in this appeal document.

We do not have access to pages 3-5, 9-15 or 17-23 to comment on.

We ask the Board to fully examine this application form.





**The Final Appropriate Assessment in relation to Annex I Habitats states:**

*'For bag and trestle culture on sedimentary habitats, published literature demonstrates that the presence of bags on trestles is considered non-disturbing in sedimentary habitats'. (1160 & 1170)*

**We could not find the referred published literature and take our comment from the Appropriate Assessment.**

The appropriate assessment states that 'The combined spatial overlap of current and proposed oyster trestle cultivation is confined to one constituent community type identified for the Qualifying Feature habitat of (1170) Reefs (i.e. 4.87% overlap with Intertidal reef community). Given the importance of macroalgae to this community type, **the presence of structures and activity among the trestles can result in shading and physical damage. This activity is considered disturbing to 1170 and this community type (Intertidal reef community)**'

**The Appropriate Assessment also states:**

Screening of the Qualifying Interests against the proposed activities is based primarily on spatial overlap i.e. **if the Qualifying Interests overlap spatially with the proposed activities then impacts due to these activities on the Conservation Objectives for the Qualifying Interests is not discounted (not screened out) except where there is absolute and clear rationale for doing so.** Conversely, if there is no spatial overlap and no obvious interaction is likely to occur, then the possibility of significant impact is discounted and further assessment of possible effects is not deemed necessary.

Screening is based primarily on spatial overlap – is this sufficient?

A number of species have been ruled out at screening stage – which is primarily on spatial overlap.

Effects can be direct or indirect, in situ or ex situ and physical overlap is not essential.

The spatial overlap is provided for the overall Rutland Island and Sound SAC. The department if considering that only spatial overlap is sufficient to grant this application should have conducted the spatial overlap for each application. The % would have been different to the overall one presented. The Appropriate Assessment clearly states that there should be a clear rationale provided on the impacts. NPWS Guidance suggests using a 15km radius initially to examine potential for impact but this may be extended if pathways for potential impact exist.

*Final Appropriate Assessment Conclusion Statement states* - While mapping may indicate some overlap of aquaculture activities on reef communities, is it **unlikely** that this will occur due to the (uneven) nature of the seabed and accessibility issues. Therefore, in-combination effects between aquaculture operations and fishery activities that are likely to be disturbing to reef community types are **unlikely** to occur and can be discounted.

The licensing authority need to be able to conclude beyond reasonable doubt that the QI communities will not be disturbed. , as outlined in the ECJ ruling for C-404/09 [Commission v Spain] which held that "[a]n assessment made under 1 Article 6(3) of the Habitats Directive cannot be regarded as appropriate if it contains gaps and lacks complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the SPA concerned."

Similarly, the court held in the case of the Commission v Italy that "assessment must be organised in such a manner that the competent national authorities can be certain that a plan or project will not have adverse effects on the integrity of the site concerned, given that, where doubt remains as to the absence of such effects, the competent authority will have to refuse permission." (C304/05 . Para 58)

## In relation to Issues Raised During the Process:

### 1. Department of Culture, Heritage and the Gaeltacht

We do not have access to the Submission referred to, therefore we ask the Board to examine same and the department's response.

### 2. Department of Housing, Planning and Local Government

We do not have access to the Submission referred to, therefore we ask the Board to examine same and the department's response.

### 3. Donegal County Council

We do not have access to the Submission referred to, therefore we ask the Board to examine same and the department's response.

### 4. Public Submission:

**'Summary:** A number of specific issues relating to licensing at specific sites were raised and these included; visual impact, impacts on the local economy resulting from adverse impacts on tourism and marine recreation in the area and environmental impacts.

**Response:** The potential impacts on harbour seals have been well covered in Appropriate Assessment process. Sites to be licensed will be redrawn to maintain, where necessary, a **buffer of approximately 200m radius buffer from seal sites**. Where a buffer is not possible and no specific barrier exists to either the proposed access routes and/or the actual sites to Seal haul out/moulting/breeding sites, application sites will not be granted. The impacts on seabirds and conservation objectives of the SAC are addressed in the Appropriate Assessment Report.'

#### Comments:

#### a. 'buffer of approximately 200m radius buffer from seal sites':

We have tried but were unsuccessful in finding any evidence that a 200m buffer to Known Seal Sites is sufficient as suggested in the Appropriate Assessment.

**National Parks and Wildlife - Conservation objectives state:** 'In acknowledging the limited understanding of aquatic habitat use by the species within the site it should be noted that **all suitable aquatic habitat is considered relevant** to the species range and ecological requirements at the site and is therefore of potential use by harbour seals' and that 'Current information on breeding locations selected by harbour seals in Rutland Island and Sound SAC is comparatively limited'

The department does not respond to the following which were outlined in our submission and which are stated in their Final Appropriate Assessment Conclusion Statement.

Harbour seals are a designated feature of the Rutland Island & Sound SAC. **All fisheries extract fish biomass which may reduce habitat quality for this designated species.**

The Rutland Island and Sound SAC is designated for the harbour seal (*Phoca vitulina*). Conservation Objectives for the species within the SAC sites have been defined by NPWS and primarily relate to the requirement to maintain various attributes of the populations including population size and the distribution of the species. **It is acknowledged in the assessment that the favourable conservation status of the harbour seal has been achieved given current levels of aquaculture production within the Rutland Island & Sound SAC.**

While there is minimal risk associated with the introduction of hitchhiker species with hatchery reared oyster seed, the risk posed by the introduction of **'½-grown' or 'wild' seed originating from another jurisdiction (e.g. Britain, France) cannot be discounted.**

If these details are incorrect or insignificant in relation to the decision to grant the reason should have outlined in its conclusion.



The licensing authority need to be able to conclude beyond reasonable doubt that the QI communities will not be disturbed. , as outlined in the ECJ ruling for C-404/09 [Commission v Spain] which held that “[a]n assessment made under 1 Article 6(3) of the Habitats Directive cannot be regarded as appropriate if it contains gaps and lacks complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the SPA concerned.”

Similarly, the court held in the case of the Commission v Italy that “assessment must be organised in such a manner that the competent national authorities can be certain that a plan or project will not have adverse effects on the integrity of the site concerned, given that, where doubt remains as to the absence of such effects, the competent authority will have to refuse permission.” (C304/05 . Para 58)

**We are disappointed that these facts outlined in our submission are not addressed in the department’s Final Appropriate Assessment Conclusion Statement.**

**2. ‘The impacts on seabirds and conservation objectives of the SAC are addressed in the Appropriate Assessment Report’.**

We have studied the Appropriate Assessment, there is little reference to seabirds or conservation objectives addressed. We have found only the following information in relation to birds:

**‘6.3 AQUACULTURE AND MARINE MAMMAL INTERACTIONS**

Mariculture operations are considered a source of **marine litter** (Johnson, 2008). Ingestion of marine litter has also **been shown to cause mortality in birds**, marine mammals, and marine turtles (Derraik, 2002). Mariculture structures can provide shelter, roost, or haul-out sites for birds and seals (Roycroft et al., 2004). This is unlikely to have negative effects on bird or seal populations, but it may increase the likelihood that these species cause faecal contamination of mollusc beds’.

**Table 4-3- SAC sites adjacent to the Rutland Island & Sound SAC and Qualifying Features with initial screening assessment on likely interactions with aquaculture activities**

Natura site (Site code)	Qualifying features (habitat/species code)	Aquaculture initial screening
West Donegal Coast SPA (4150)	Fulmar ( <u>Fulmarus glacialis</u> ) [A009] Cormorant ( <u>Phalacrocorax carbo</u> ) [A017] Shag ( <u>Phalacrocorax aristotelis</u> ) [A018] Peregrine ( <u>Falco peregrinus</u> ) [A103] Herring Gull ( <u>Larus argentatus</u> ) [A184] Kittiwake ( <u>Rissa tridactyla</u> ) [A188] Razorbill ( <u>Alca torda</u> ) [A200] Chough ( <u>Pyrrhocorax pyrrhocorax</u> ) [A346]	On the basis that the species have no demonstrable negative interaction with trestle culture or will tend to forage offshore or on land (in the case of Chough) there is no likely interaction with existing or proposed aquaculture activities <sup>6</sup> in Rutland Island and Sound SAC – excluded from further analysis

<sup>6</sup> Gittings, T. & O’Donoghue, P.D. (2012). The effects of intertidal oyster culture on the spatial distribution of waterbirds. Report prepared for the Marine Institute. Atkins, Cork.

**Is the above information sufficient to deal with ‘The Impacts on Seabirds and Conservation Objectives of the SAC’ and the subsequent Granting this Aquaculture Licence?**

Is it the case that only the 8 birds mentioned above are to be conserved in this SAC?

Both our submission and the Appropriate Assessment refer to the ‘Gittings, T. & O’Donoghue, P.D. (2012) The effects of intertidal oyster culture on the spatial distribution of waterbirds’. This report must have been considered when preparing the Final Appropriate Assessment Report.

The birds mentioned above are not mentioned in the screenshots below, therefore while it may not be incorrect to say they 'have no demonstrable negative interaction with trestle culture' they have 'no demonstrable Neutral/Positive or Variable interaction with trestle culture' either. Only one of these birds the Chough forage offshore or on land according to the Appropriate Assessment.

**'Gittings, T. & O'Donoghue, P.D. (2012):**

## The effects of intertidal oyster (*Crassostrea gigas*) culture on the spatial distribution of waterbirds

Tom Gittings and Paul D. O'Donoghue, Atkins, Unit 2B, 2200 Cork Airport Business Park, Cork, Ireland [On behalf of the Marine Institute]

### **Results**

The NMS (Figure 4) and CCA analyses produced similar arrangements of samples in the ordination space, showing clear separation between the oyster trestle groups and the control groups. The final CCA model included SITE and OYSTER as explanatory variables and had high eigenvalues and species-environment correlations. These ordinations show that the assemblage of waterbirds occurring within an oyster trestle area is significantly different to the assemblages outside such an area at the same site.

In the species analyses most species showed similar patterns of association with oyster trestle blocks between the extensive and intensive datasets, and between the all sectors and close sectors analyses. Examples of species showing neutral/positive (Oystercatcher) and negative (Dunlin) responses are shown in Figure 4.

### **Patterns of waterbird association with intertidal oyster cultivation**

Based on our results, we classified species' responses to intertidal oyster cultivation as follows (italics indicate that the classification is based on limited data):

Neutral/positive response: Oystercatcher, Curlew, Redshank, *Greenshank* and Turnstone

Variable response (response varies between sites): Light-bellied Brent Goose, Black-headed Gull, Common Gull and Herring Gull

Negative response: *Shelduck*, *Ringed Plover*, *Lepwing*, *Sanderling*, Dunlin, *Black-tailed Godwit*, Bar-tailed Godwit, *Great Black-backed Gull*

Exclusion (completely excluded from oyster trestles blocks): Grey Plover and Knot

The species that showed a neutral/positive response are all waders that tend to feed in small flocks or as widely dispersed individuals/loose flocks. The species that showed a negative response are mainly species that tend to feed in large flocks of tightly packed individuals. The negative response to oyster trestle blocks may be a behavioural response by species where the oyster trestles interfere with their flocking behaviour.

Species that show a negative response to oyster trestles generally favour open mudflats or sandflats and usually do not occur in large numbers in mixed sediment or rocky shores.

### **Conclusions**

Waterbird species show a mixture of responses to the presence of oyster trestles.

Some species show strong negative responses and could be significantly affected by intertidal oyster cultivation.

We have developed a methodology for o provide a consistent approach to the assessment of the potential impact of intertidal oyster cultivation in the context of Appropriate Assessment of aquaculture activities in coastal SPAs (Figure 5).

Selection of mixed sediment or rocky shore sites for intertidal oyster culture would be likely to reduce the potential impact on waterbirds and would also simply the appropriate assessment requirements.

***'Rutland Island and Sound SAC – excluded from further analysis.'***

We have a huge population and many species of seabirds in the Inner Dungloe Bay. We do not agree with the Final Appropriate Assessment Report **'The impacts on seabirds and conservation objectives of the SAC are addressed in the Appropriate Assessment Report'** considering its minimal detail in relation to Seabirds.

The deficient nature of the assessment in relation to SPAs and terrestrial habitats and species is insufficient to make a decision to grant this application. To allow this development without specialist terrestrial ecological expertise or bird expertise is not acceptable to us who know that it will interfere greatly with our birds who live in Dungloe Bay.

Inis Éan Island in Dungloe Bay is translated to 'Island of the Birds' which got its name because of the large Bird population living on it.

There is no reference to a report from An Taisce in the Final Appropriate Assessment.

The licensing authority need to be able to conclude beyond reasonable doubt that the QI communities will not be disturbed. , as outlined in the ECJ ruling for C-404/09 [Commission v Spain] which held that “[a]n assessment made under 1 Article 6(3) of the Habitats Directive cannot be regarded as appropriate if it contains gaps and lacks complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the SPA concerned.”

Similarly, the court held in the case of the Commission v Italy that “assessment must be organised in such a manner that the competent national authorities can be certain that a plan or project will not have adverse effects on the integrity of the site concerned, given that, where doubt remains as to the absence of such effects, the competent authority will have to refuse permission.” (C304/05 . Para 58)

**Response:** It should be noted that references to the impacts of aquaculture in the public submissions appear, predominantly, to be references to the likely environmental/ecological impacts of finfish farming and not shellfish farming e.g. reference to impacts of escapees.

**Comments:**

Our submission in relation to impacts of aquaculture are predominantly in relation to oyster farms. This is the paragraph which is referred to:

It is widely documented that aquaculture can have a detrimental effect on the marine environment including through the accumulation of waste from feed and faecal pellets, while aquaculture in general may result in changes to the benthic macro-fauna. **Aquaculture stock may pose a threat to wild populations through a reduction in gene pool strength caused when escaping farm stock mate with wild species, something which can result in the transmission of diseases to wild stocks.** Furthermore, in areas where aquaculture activity is prolific, this is likely to result in environmental degradation and may lead to poor aquaculture growth rates. Therefore, in bays where aquaculture is abundant, the marine environment is likely to suffer from 'over stocking'.

**This is the only point in our submission which was taken into consideration by the department to be addressed in Final Appropriate Assessment Report.** (Submission is attached for your reference)

**Response:** In respect to visual impact, cumulative visual impact arising from aquaculture activities will be kept within acceptable limits as per mitigation measures which include low structure heights and limited development extent.

**Comments:** The addition of **any low or high** permanent structure such as oyster beds into the Inner Dungloe Bay will have a huge Visual Impact. Dungloe town is built around the Bay with our homes overlooking it. This proposed

Aquaculture licence will be visible from Quay Road, Mill Road, Caravan Road, Pole Road, Tubberkeen, Meenmore, Crocknageeragh, Fairhill, Dungloe Main Street and from premises on one side of Dungloe Main Street. It will be visible from our homes and businesses at all times of the day, every day of the year.

The views of Dungloe Bay are designated in the Donegal County Development Plan as High Scenic Amenity. The views from Inis Éan and Cnoc an Chorrain are designated as Especially High Scenic Amenity. It will be clearly visible from Dungloe's Wild Atlantic Way route.

The siting of aquaculture licence in the Inner Dungloe Bay is not acceptable as it will greatly impede on the area's unique landscape and unblemished topography.

We do not accept the departments 'acceptable limits'.

**Response:** In regard to economic impact, the Department acknowledges the concerns about potential impact on water based amenity initiatives in the near shore and foreshore areas of the Bay with particular focus on the Shorefront recreational area, the Pier and the Pond. Visual and navigation impacts arising from such applications will be mitigated by site area reduction and orderly development. A clear access width across the channel will remedy any potential restriction on water based leisure activities arising from proposed oyster farm development. Continuity of clearway line on sites with the north channel line to the north of Inish Éan as well as with the low water channel line extending westwards from Dungloe Pier and town will be maintained. The west line of oyster farm development will run in parallel with the clearway channel at that location. Accordingly, channel marking and revised site boundaries including reduction in site T12/481A and site T12/506A will help maintain clear access.

**Comment:** The department accept that there will be visual and navigation impacts arising from these applications, however to suggest that they will be mitigated by site reduction and orderly development is unbelievable. These applications are in the inner bay which is a flat bay visible from all its shores and there is nothing to obstruct the view of this development. We currently have full use of the Inner Dungloe Bay (apart from a few rocky area's) for recreational water based activities and to say that this development however reduced or orderly will remedy this is incorrect. Suggesting that 'A clear access' and that a clearway will be sufficient to remedy any possible restriction on our water based leisure activities considering we currently use all of the bay is incorrect. This clearway and access are only going to be maintained from Meenmore Pier to Dungloe Pier. What about the Quay, the Pond, Tubberkeen Pier? To suggest that channel marking and revised site boundaries will remedy any potential restriction on water based leisure activities' is incorrect. Our use of the Bay for water based activities is proposed to be restricted to a marked clearway access. These applications will definitely restrict our water based activities.

These applications will have a negative impact on our tourism potential as outlined in this appeal.

**Response:** No significant conflict between seaweed harvesting and proposed oyster farming areas is anticipated.

**Comment:** The approval of these licenses will put permanent obstacles in the way of Rack Cutters and greatly reduce the area available to them. The oyster trestles will not be on top of the rocks which are used for cutting rack. However, they will be all around them. Our rack cutters cut the rack from the rocks and gather it in nets which are towed by boat to our piers and collection points along the bay at high tide. To allow permanent structures such as oyster farm in the area currently used by this sustainable industry - the rack is cut not removed to allow for new growth - which has existed for since the 1800's. This takes place at different times of the year and does not create permanent displacement or obstacles in the bay. It has been proven not to interfere with Dungloe's Inner Bay over its many years of existence. There was a rack factory in Meenmore which closed a few years ago but thankfully we have another which opened a number of years ago.

**Omissions from Final Appropriate Assessment Conclusion Statement on which the decision to grant was made:**

There is no reference made to the 661 number of people who signed a petition against the introduction of oyster farms in the Inner Dungloe Bay. Considering that Dungloe has population of approx. 1,150 and that there was only one day available for signing, this is a huge number of people who made the effort to sign. The department and minister should have taken their objection into account. It is wrong for them to say that it is in the **Public Interest** to grant these applications in Inner Dungloe Bay. The majority of the public in Dungloe advised them otherwise.

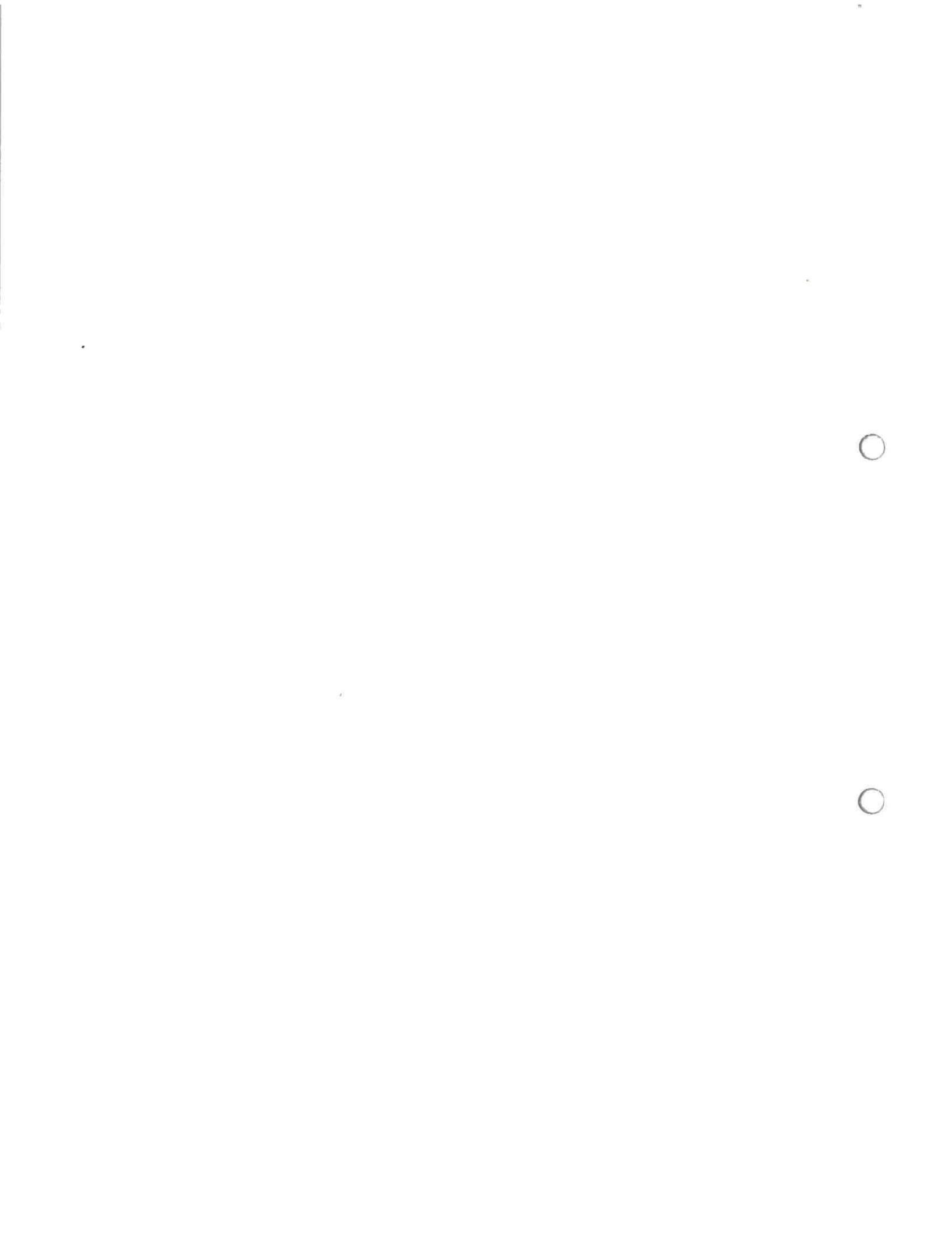
We know that there were submissions made by the Hotel, B&B's, Public Representatives, Community Groups and individuals. There is no reference to these in the Final Appropriate Assessment Statement. Were there others?

**The Ministers decision states:**

In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard. Such matters include **any submissions and observations** received in accordance with the statutory provisions.

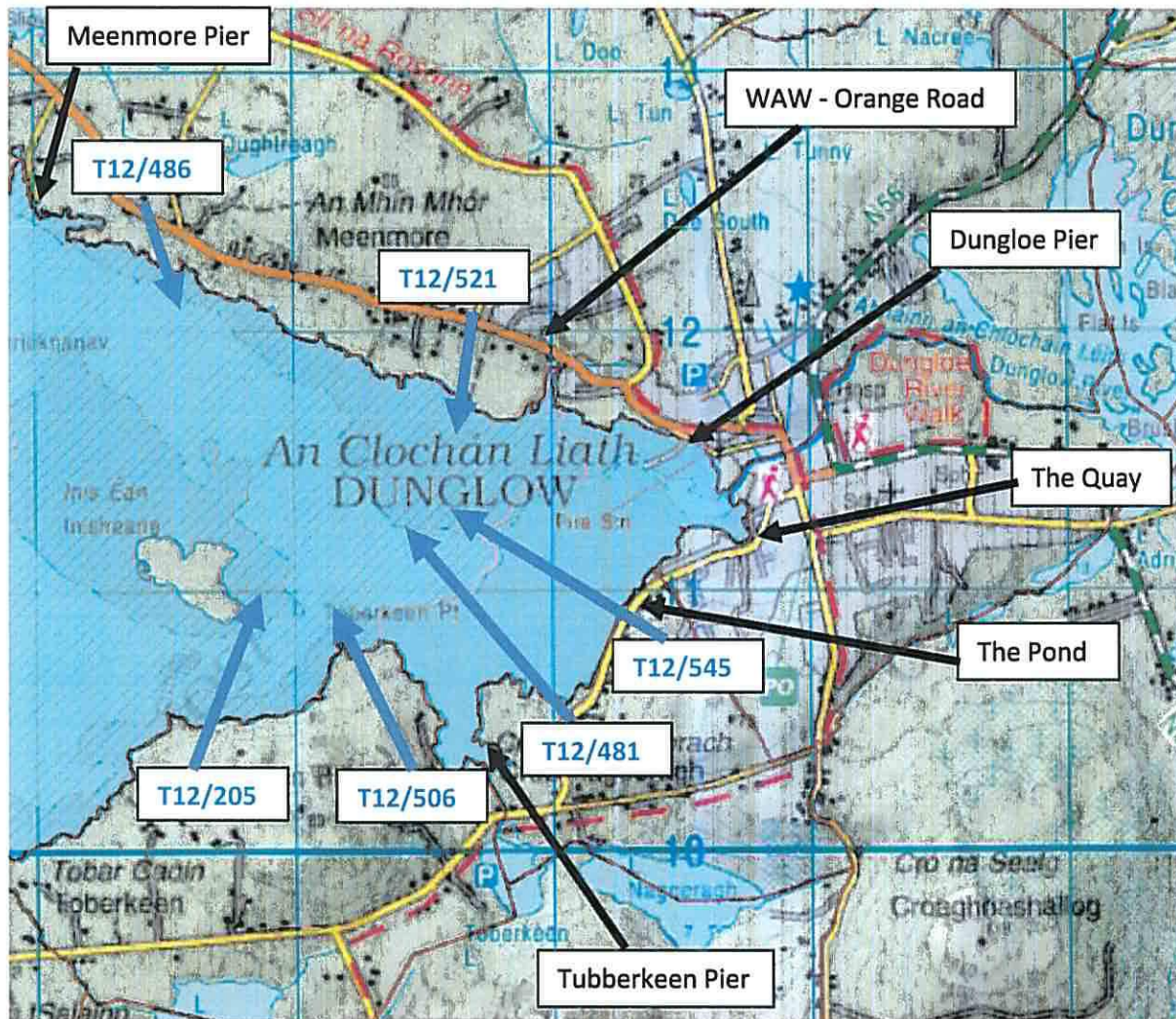
**The decision to grant these applications was based on the Final Appropriate Assessment Conclusion Statement. To exclude mention of the above is not in compliance with the relevant legislation.**

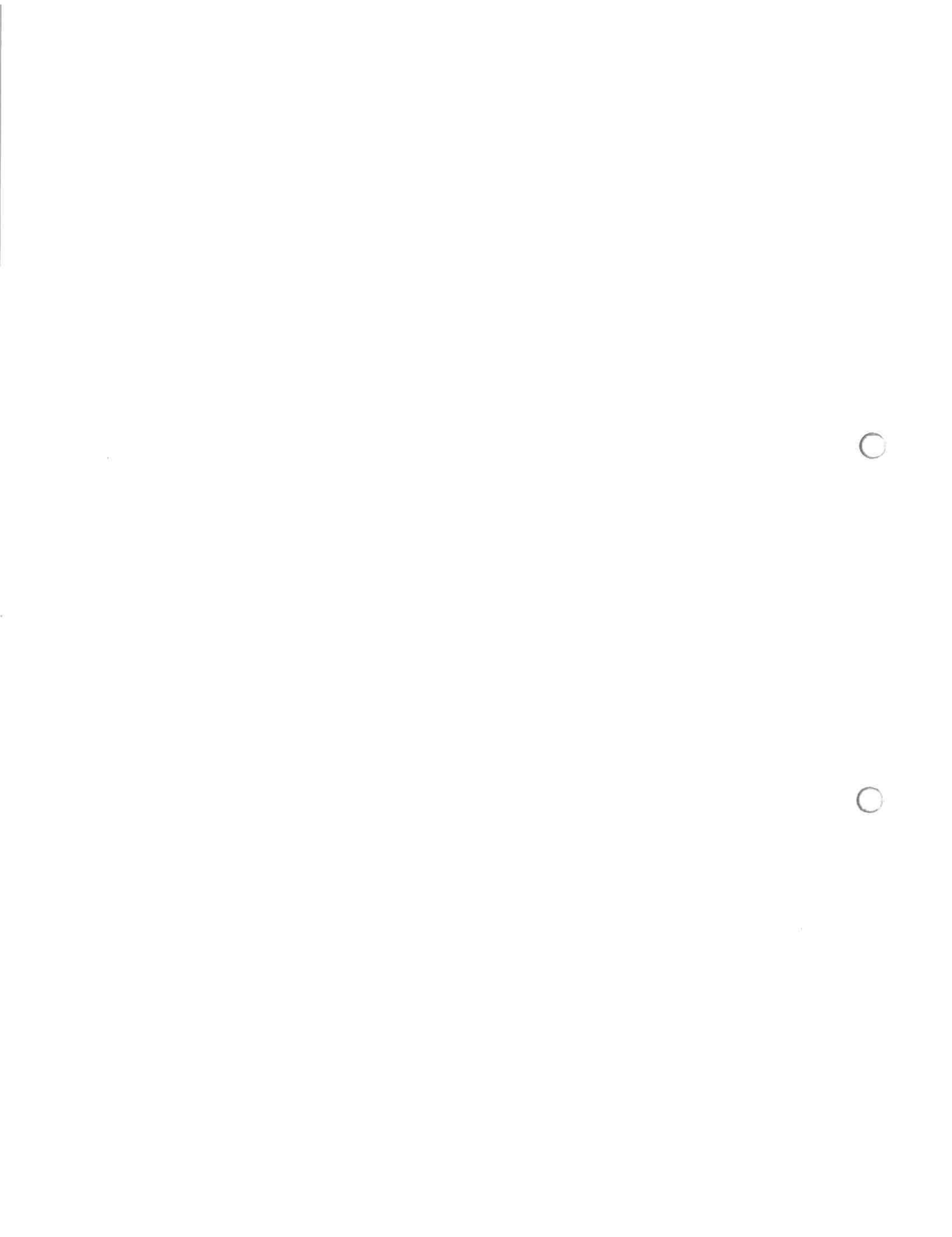
We are dissatisfied with the departments Final Appropriate Assessment Statement.



# Appendix 1

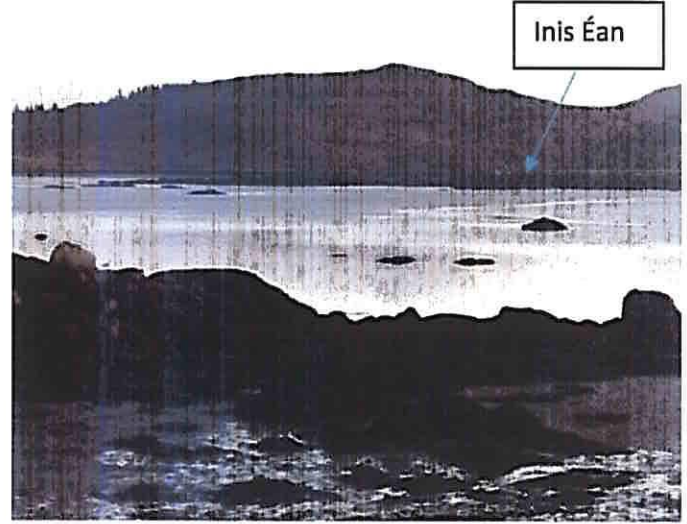
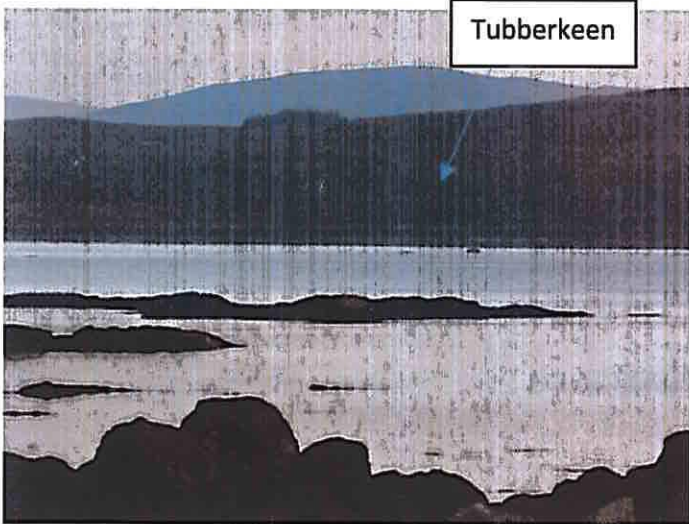
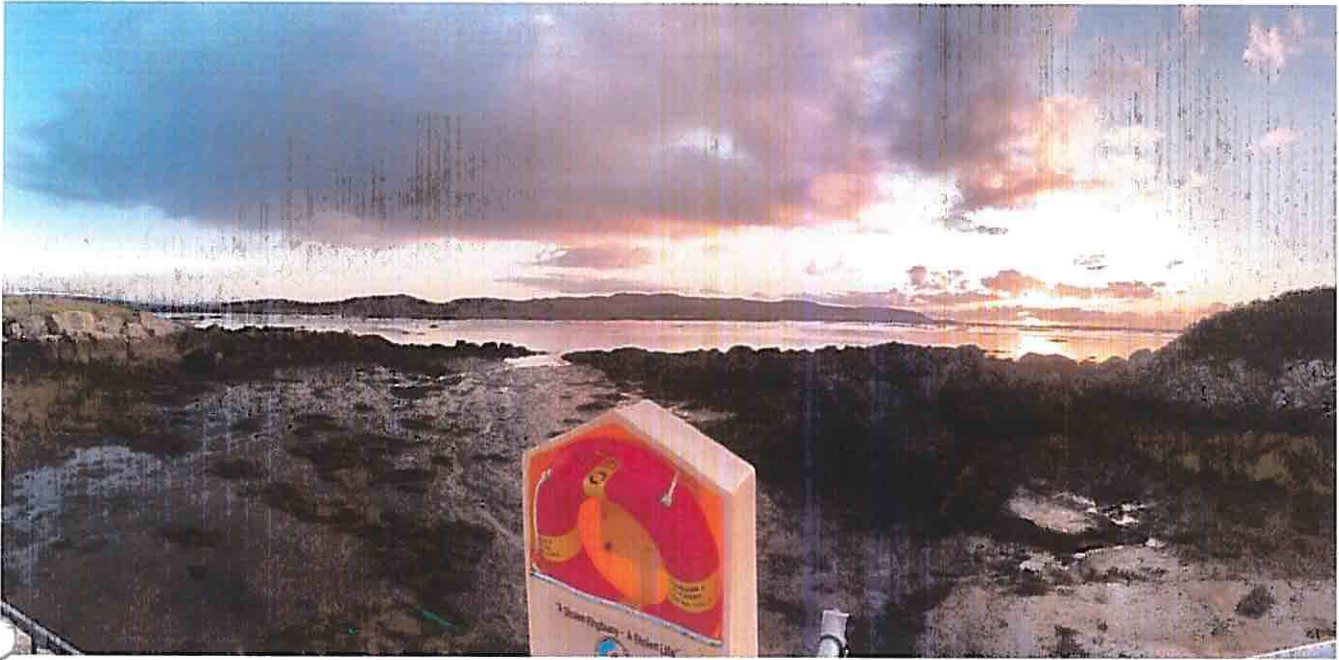
## Photographs of Dungloe Bay



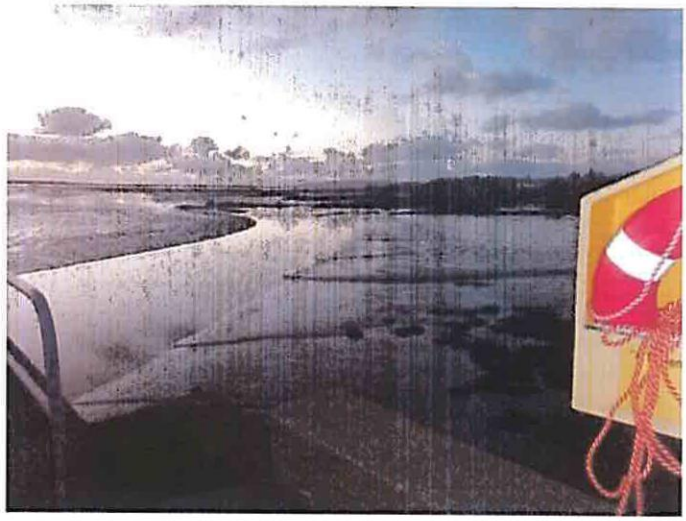
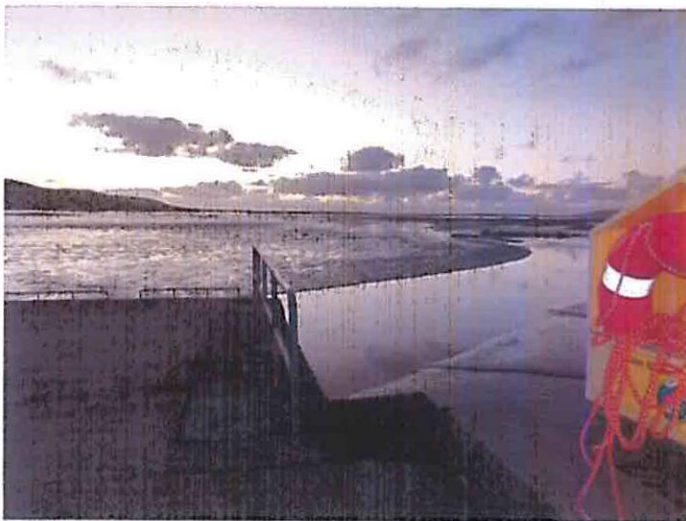
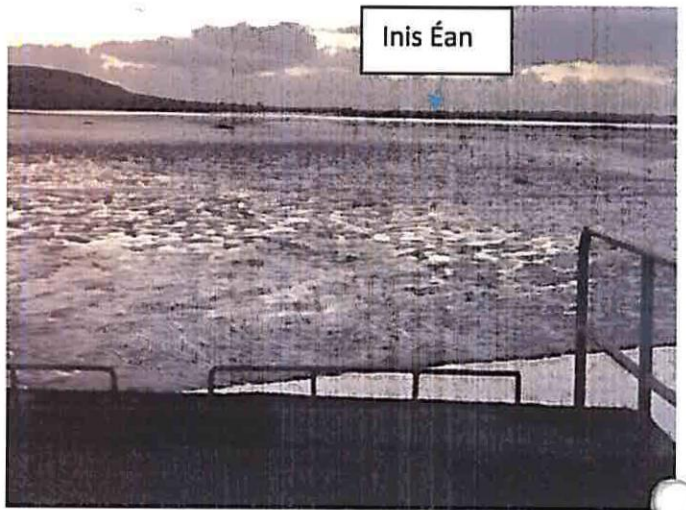




# Meenmore Pier - Photograph's taken on 17<sup>th</sup> November 2019



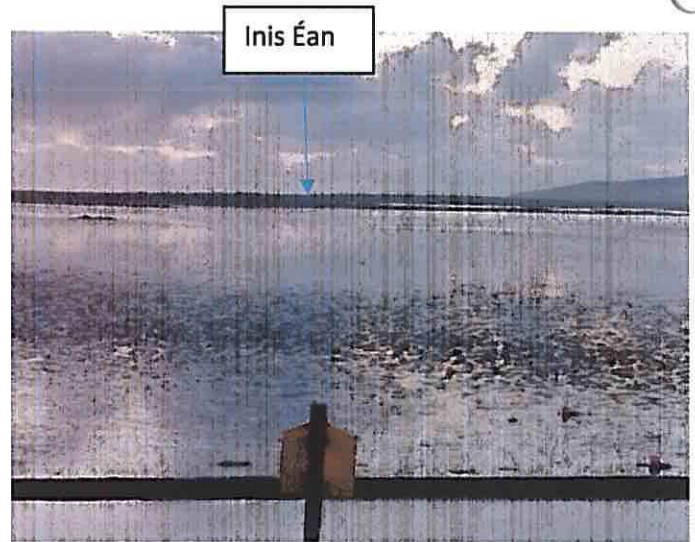
# Dungloe Pier - Photograph's taken on 17<sup>th</sup> November 2019



# The Quay - Photograph's taken on 17<sup>th</sup> November 2019

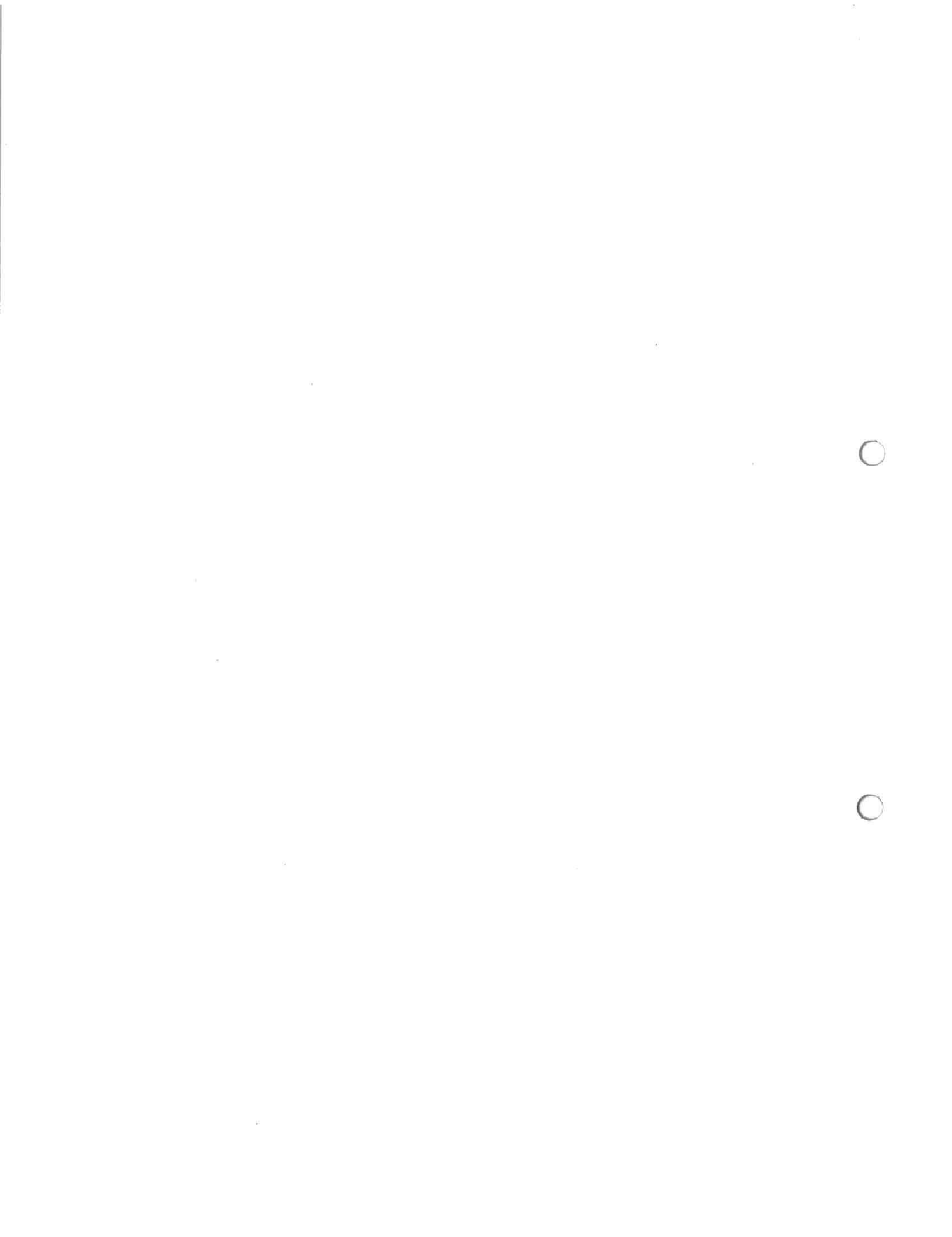


# The Pond - Photograph's taken on 17<sup>th</sup> November 2019

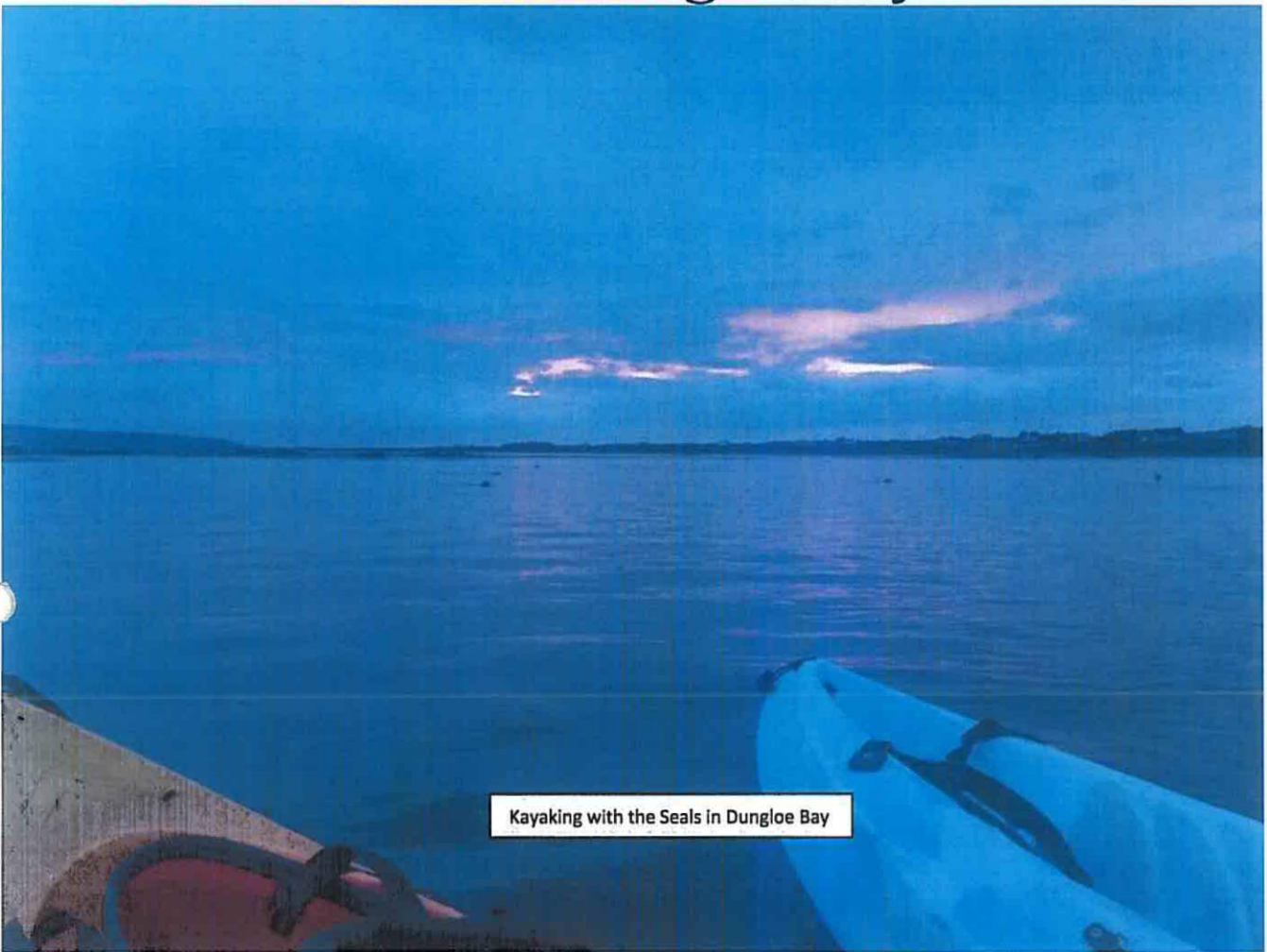


Tubberkeen - Photograph's taken on 17<sup>th</sup> November 2019

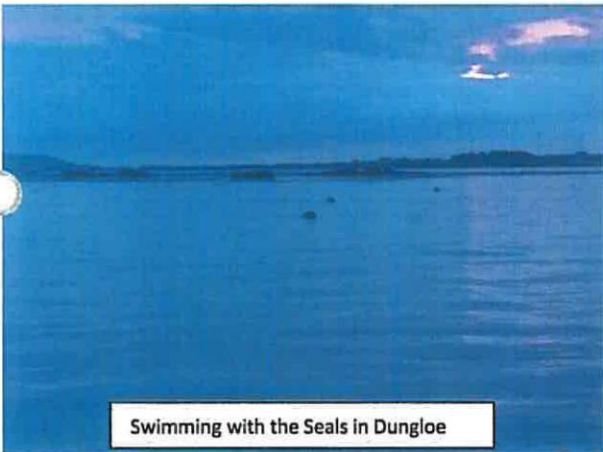




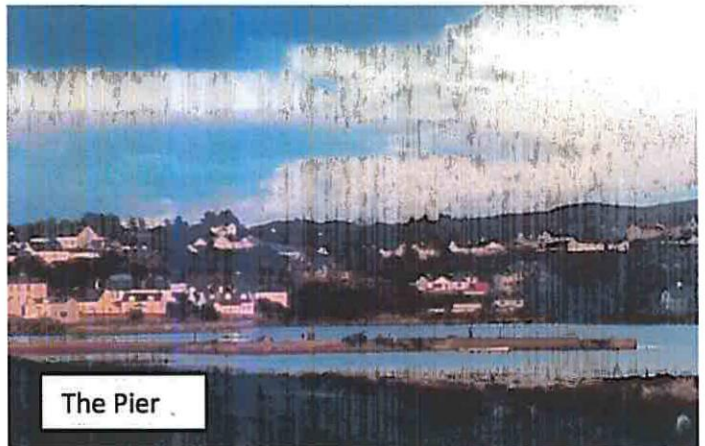
# Inner Dungloe Bay



Kayaking with the Seals in Dungloe Bay



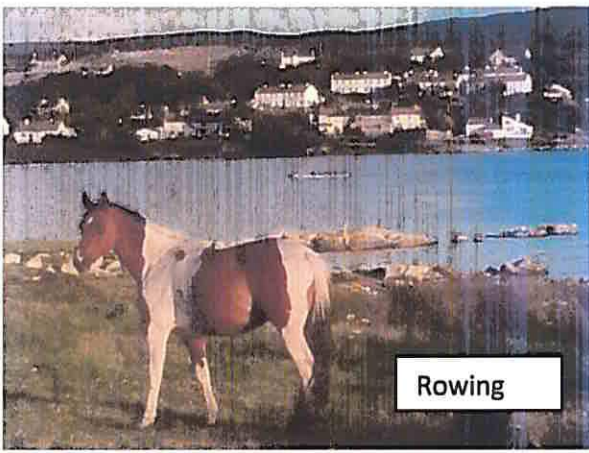
Swimming with the Seals in Dungloe



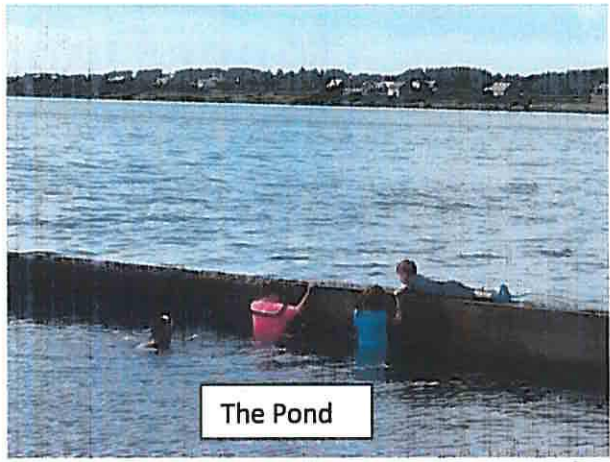
The Pier



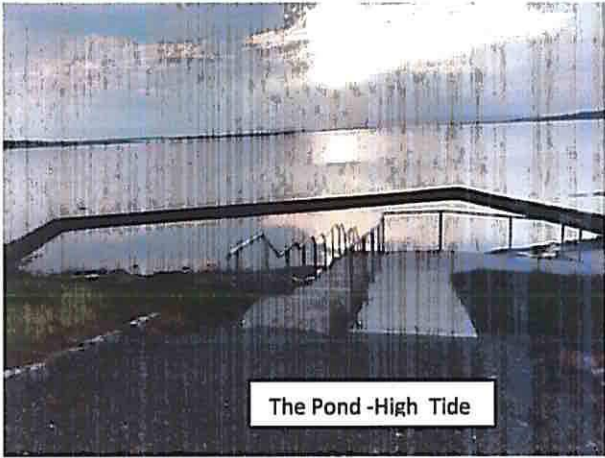
Kayaking to Inis Éan



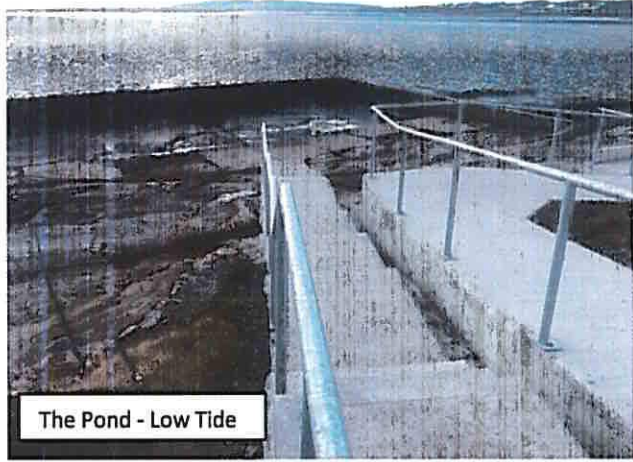
Rowing



The Pond



The Pond -High Tide



The Pond - Low Tide

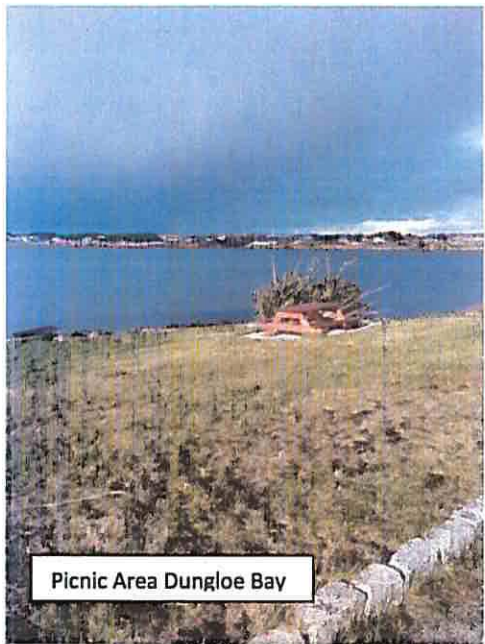


Dungloe Bay Walk





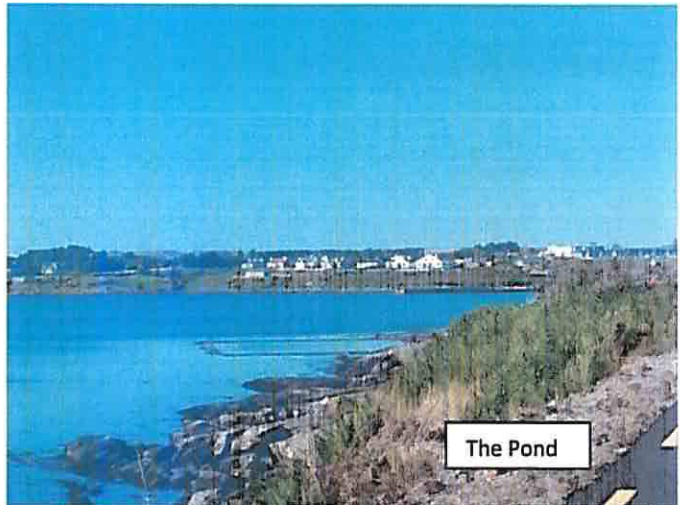
Dungloe Bay Walk



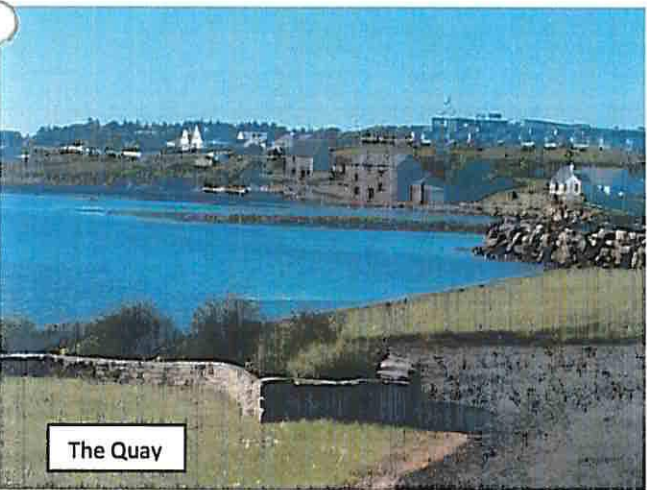
Picnic Area Dungloe Bay



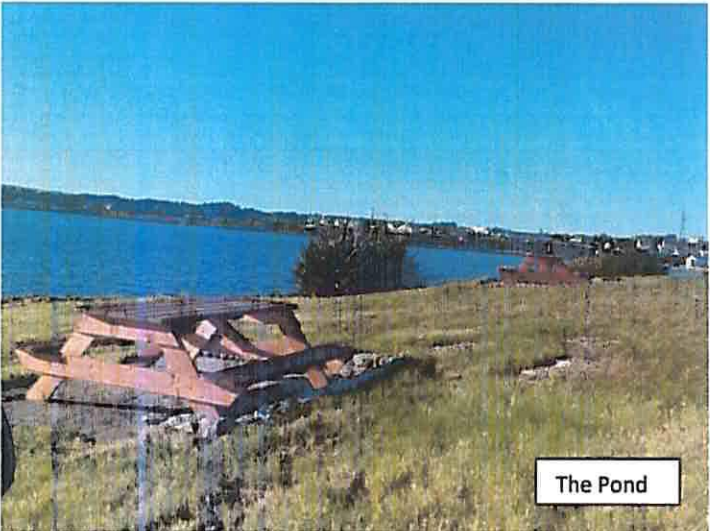
Picnic Area The Pond



The Pond



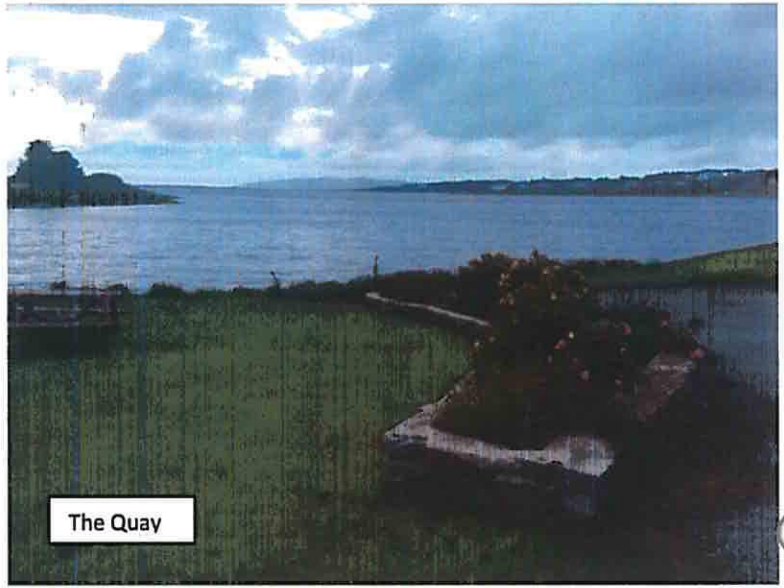
The Quay



The Pond



Kayaking Dungloe Bay



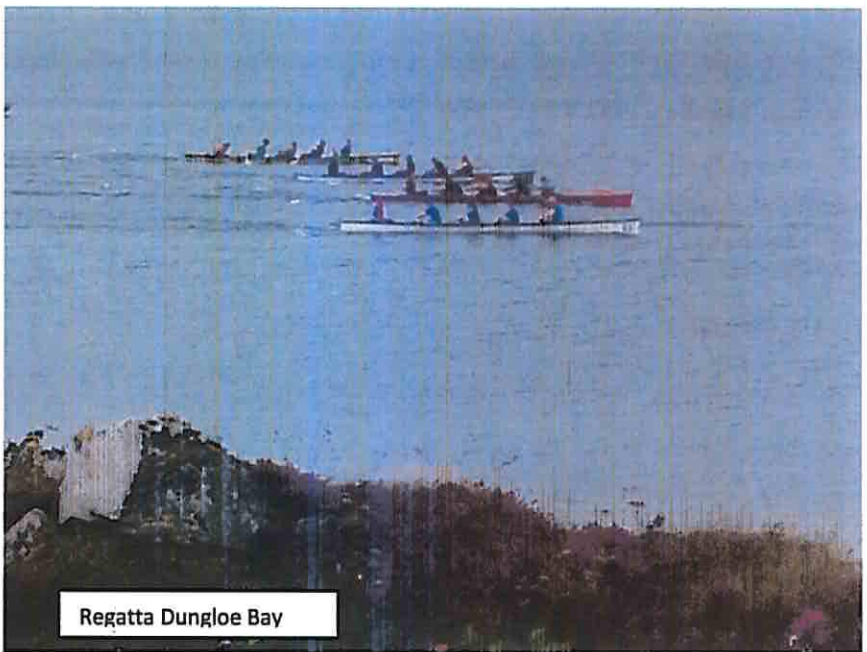
The Quay



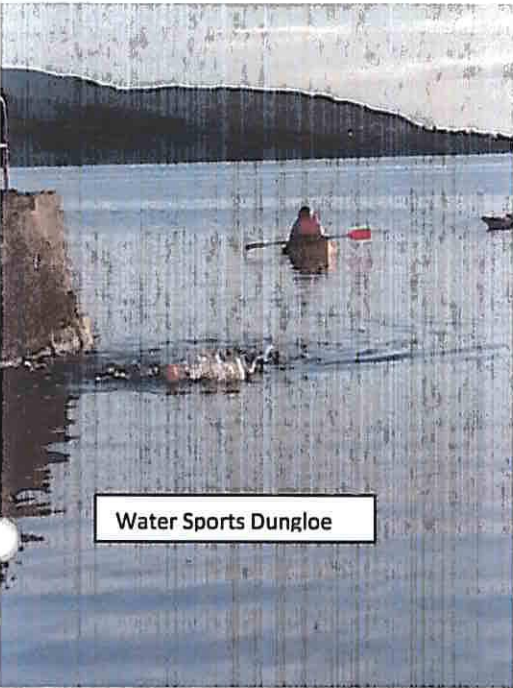
The Pier



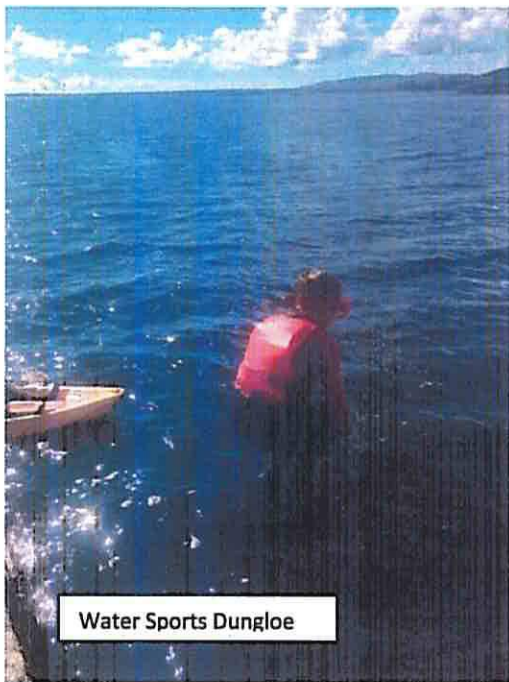
Swimming Dungloe Bay



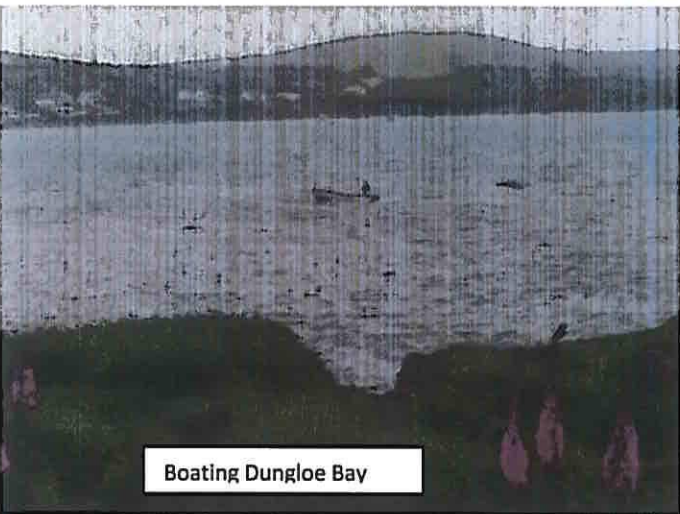
Regatta Dungloe Bay



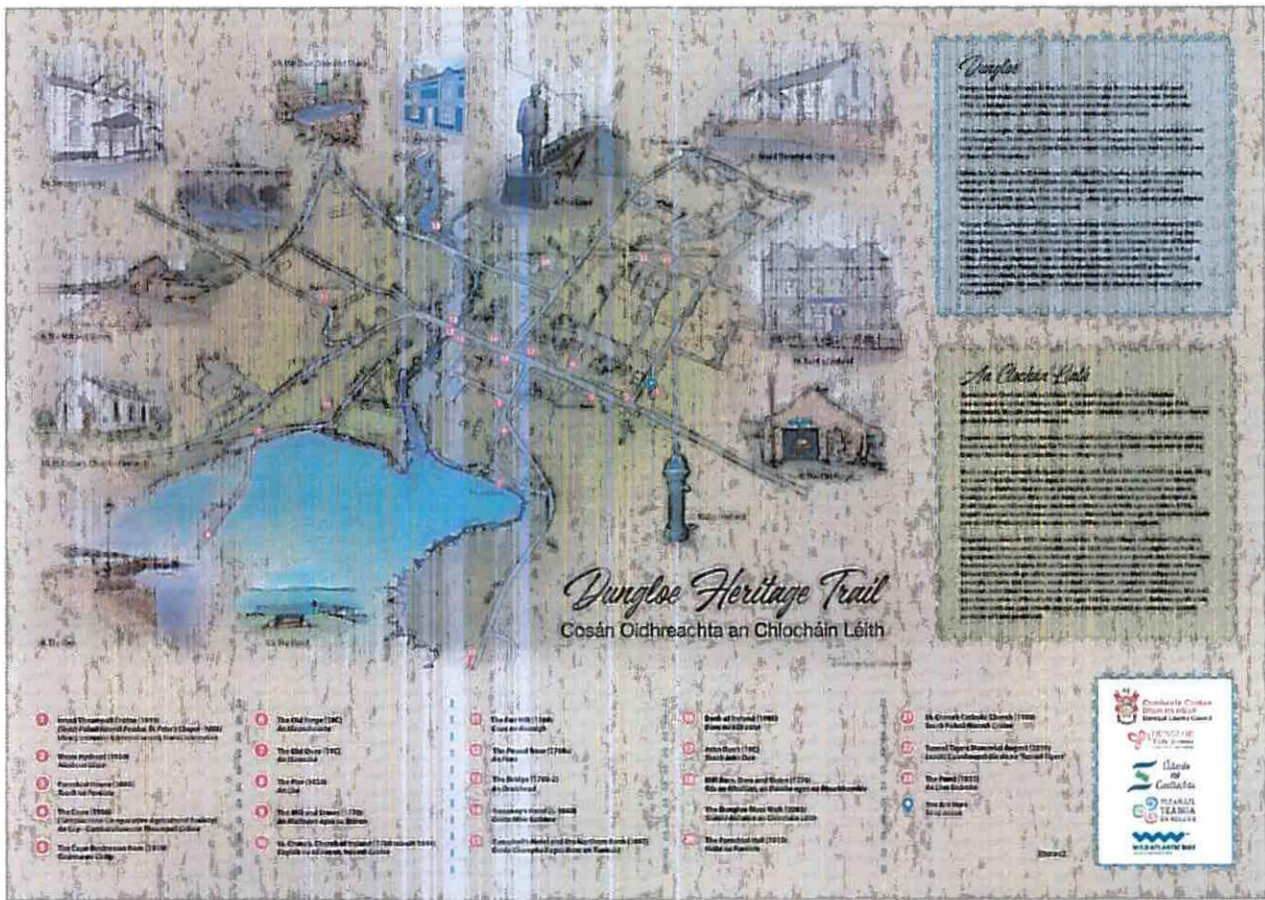
Water Sports Dungloe



Water Sports Dungloe



Boating Dungloe Bay



**Tráigh Éanach**  
EST 2006

# TRÁIGHÉANACH

## Regatta

IN CONJUNCTION WITH

**SAT 8TH SEPT**

**Coghadh na gClann CHARITY COMPETITION & MIXED RACES, DUNGLOE PIER AT 3.00PM**

All Welcome to enjoy a tasty BBQ (Sun 9th) in the Waterfront Hotel 4.30pm-6.30pm (€10pp)

*Charity Cabaret* in aid of RNLI & CancerCare West  
Saturday 8th September in Waterfront Hotel Tickets €60pp

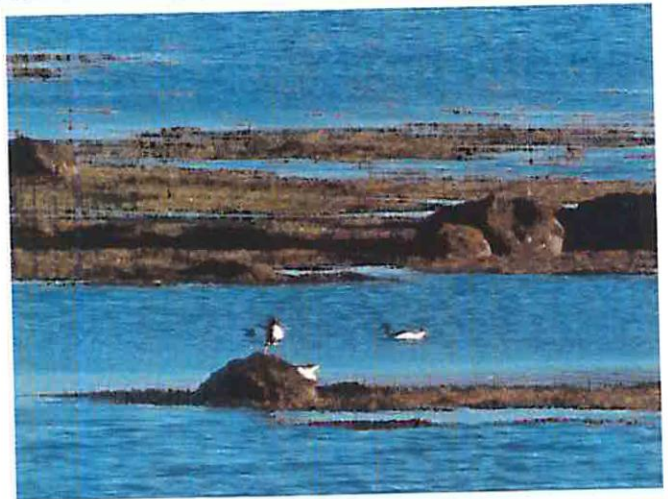
**SUN 9TH SEPT**

**ISLAND RACE DUNGLOE PIER AT 3.30PM**

**INIS SPA & WELLNESS**

SEE FACEBOOK FOR MORE DETAILS





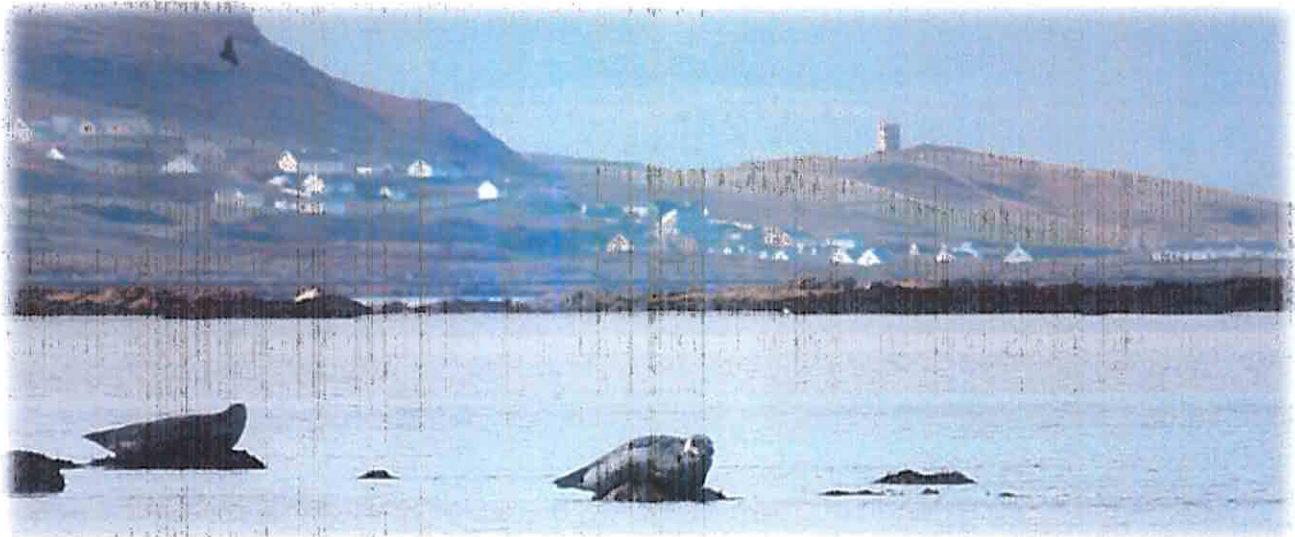
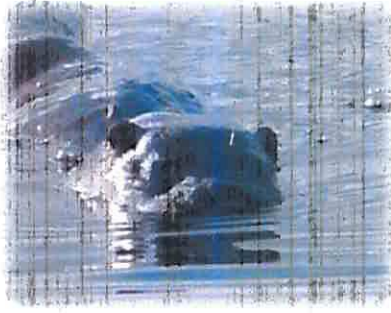


○



○

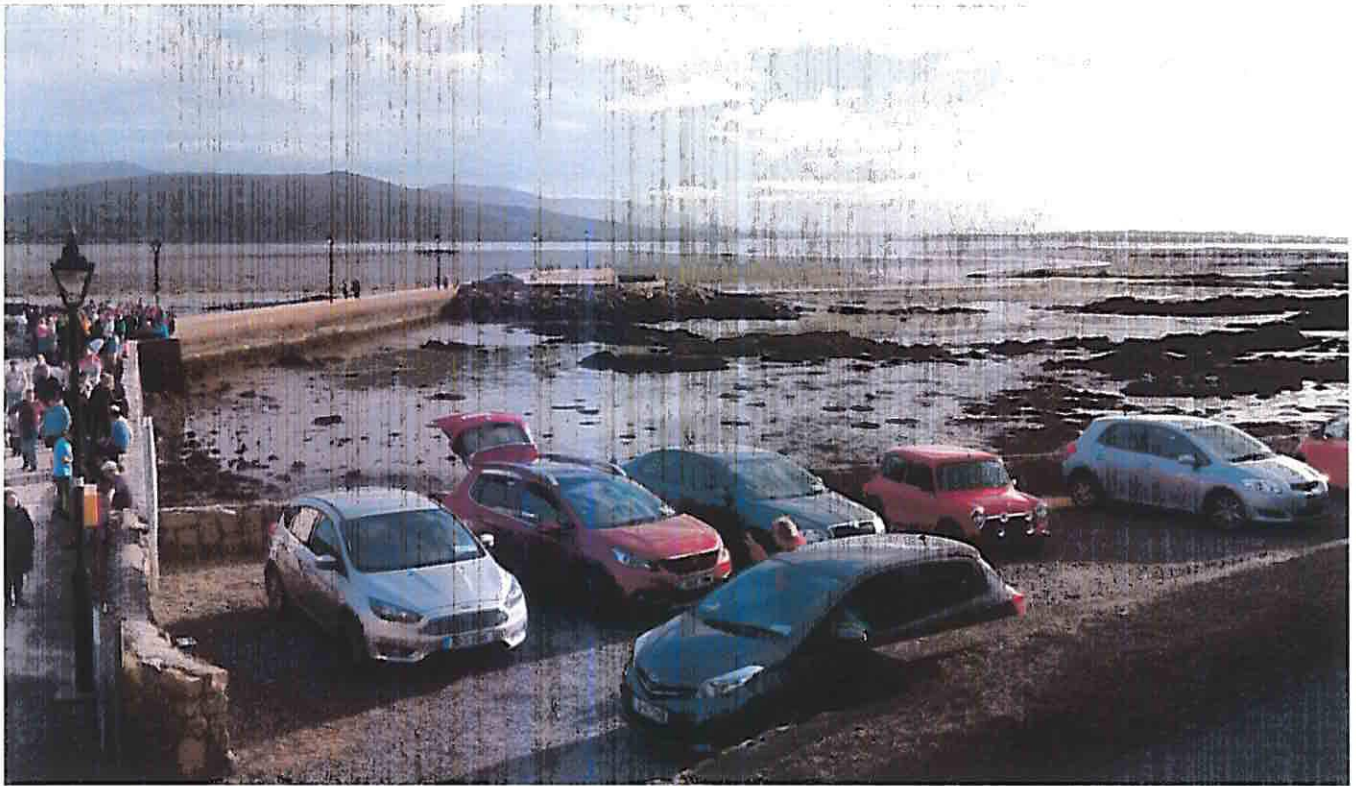
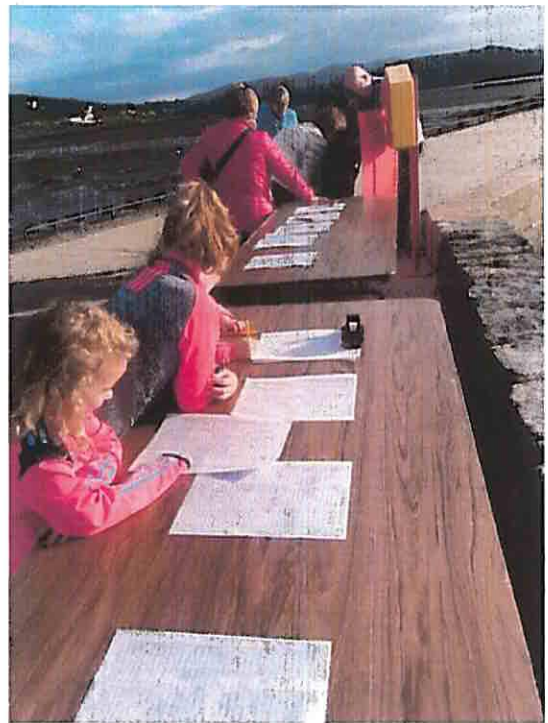
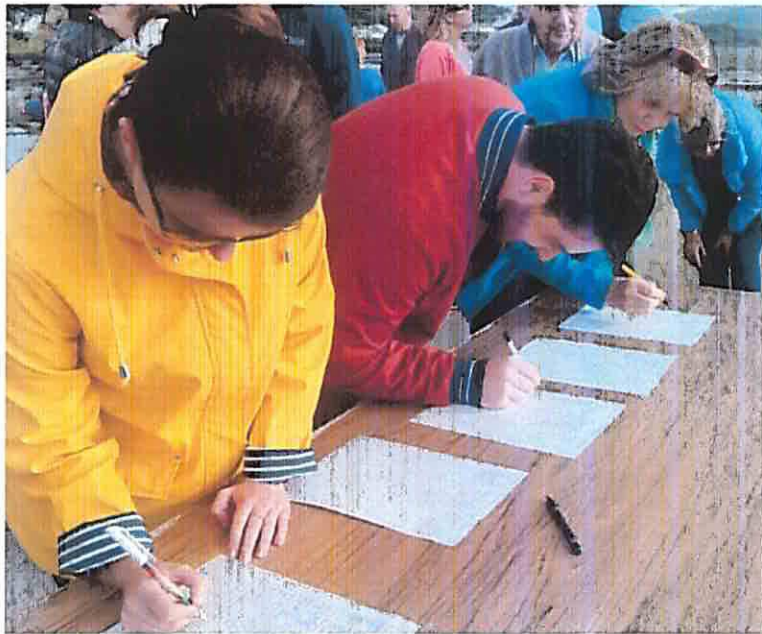




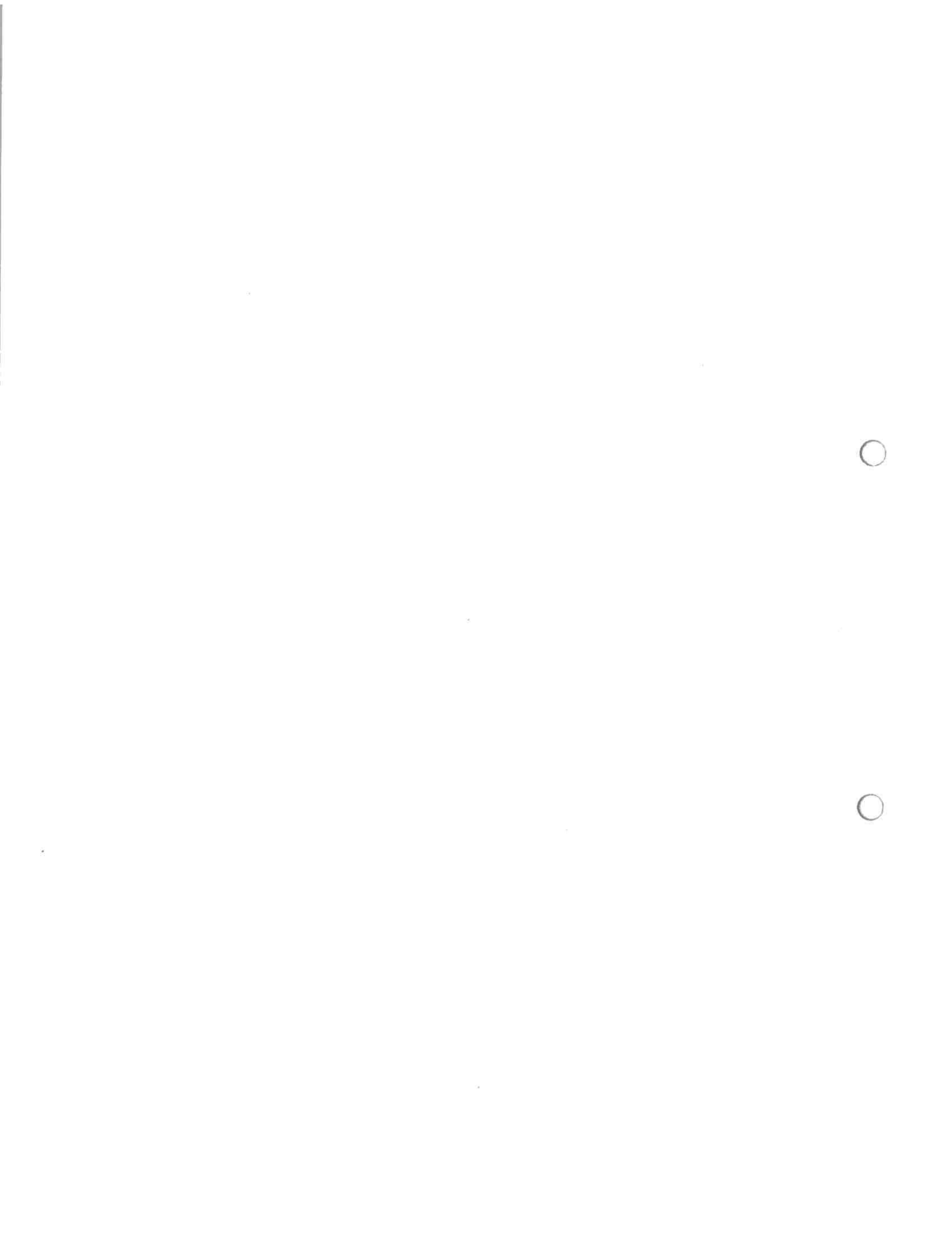


**Save Dungloe Bay - Petition Signing at The Pier - 7.30pm on 25/06/2019**









## Appendix 2

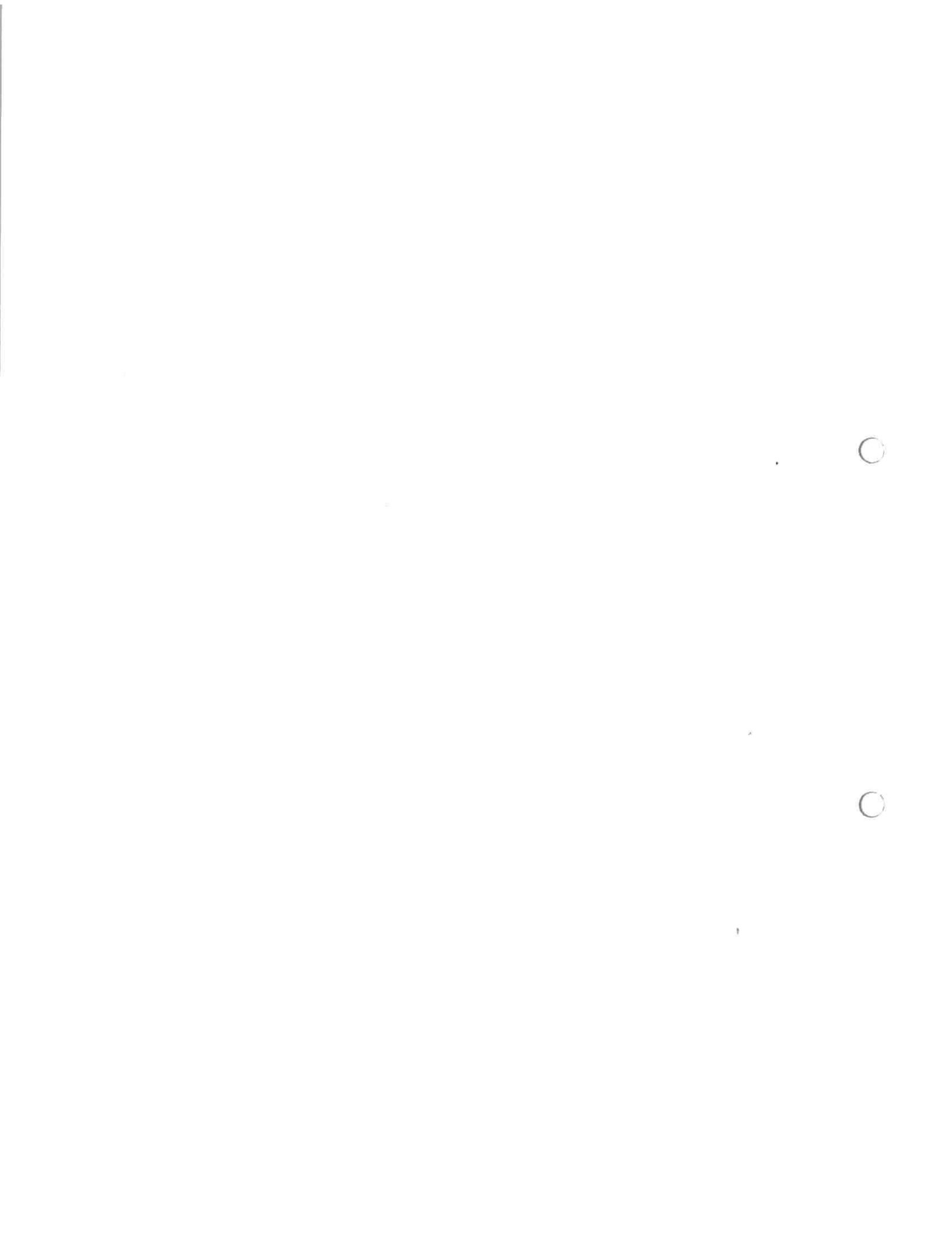
### Save Our Bay Dungloe

#### **Petition**

To keep Inner Dungloe Bay

Free From Proposed

Aquaculture Licences



Name	Address	Business
John Doyle	Pole Road Meenmore	CAFE OWNER
Sylvia Boyle	MEENMORE, Dungle	BEAUTY Salon OWNER
Anne Boyle	Pole Road Meenmore	CAFE OWNER
EOIN BOYLE	POLE RD MEENMORE	LORRY DRIVER
MARY GILLIGAN	Pole Rd MEENMORE	Health CARE WORKER.
PATRICK BOYLE	Pole Rd MEENMORE	CHILD
John BOYLE	Pole Rd, Meenmore	CHILD.
MARY Gallagher	Pole Rd, Meenmore	CHILD
Jim Gallagher	Meenmore, Dungle	ENGINEER
Jack Gallagher	Meenmore, Dungle	
Shannon Gallagher	Meenmore, Dungle	
James Mc Cole	Meenbarad	Retired.
AVA Gallagher	Meenmore Dungle	N. H. S.
Marian Sweeney	MEENMORE	Team Design Graphic DESIGN.
Jamie Sweeney	Meenmore Dungle	Office worker
Jenny Sweeney	Pole Rd, Meenmore	Child
Emma Sweeney	Pole Rd, Meenmore	Child
Kathleen Boyle	Meenbarad, Burtanport	SNA
Stephen Bonner	Meenbarad, Burtanport	Construction work
Karel Bonner	Meenbarad, Burtanport	Student
Kyle Bonner	Meenbarad, Burtanport	Child
Ella Bonner	Meenbarad, Burtanport	Child
Bella Grealis	Pole Rd, Meenmore	Shouse owner
Francie Grealis	Pole Rd, Meenmore	Construction Worker
Katie Grealis	Pole Rd, Meenmore	Student
Aiolling Grealis	Pole Rd, Meenmore	Bar worker
Bryan Grealis	Pole Rd, Meenmore	Student








Name	Address	Business
Susie Boyle	Quay Road	
Maria Boyle	Quay road	
Alisha Boyle	Quay road.	
Marta Ward	Keatve	
Amy Greene	Dungloe	
Fionnuala Aiken	Falmore	
Jackie Sweeney	Leitir	
Raymond Sweeney	Leitir	
Anthony Roberts	Little Bridge.	
DEWIS BOWEN	DUNGLOE MEENMORE	
THERESA BOWEN	MEENMORE DUNGLOE	
TARA McDEVITT	BURTONPORT	
Michael Boyle	Dungloe	
MARY McGILKY	BARRACK BRAE	
Qu T Ward	Diamond Dungloe	
Anthony Ward	Richard Dungloe	
Elizabeth McCall	Quay Rd Dungloe	
Megan Patterson	Grant, Kincastragh	
Sadie Patterson	Cruik	
Mick Patterson	Cruik	
Donna Patterson	Cruik	
Luce Patterson	Cruik	
Wendy McCall	Quay Rd	
Michael McCall	Quay Rd	
Fred O'Connell	MEENMORE	
Packie O'Connell	Dungloe	

Name	Address	Business
Mary Bonner	Cois Cuain Tubberkeev	
Kathy Bonner Can	Cois Cuain Tubberkeev	
Kathy O'Donnell	Chapel Lane Dungle	
Charlotte O'Donnell	Chapel Lane Dungle	
Kathryn O'Donnell	Chapel Lane Dungle.	
Leah O'Hagan	Diamond	
Eoghan O'Hagan	Diamond	
Neilly Boyle	Diamond	
Bridget O'Hagan	Diamond	
Rose Gallagher	Diamond	
Paul Gallagher	Diamond	
Michael Gallegher	Ballyboxey	
Shawn McFee	Meenmore	
Liam Boyle	Dungloe.	
John O'Sullivan	Dungloe	
Gregory O'Pauel	Dungloe.	
KATIE WARD	DUNGLOE	
JOE FORKER	MEENMORE	
Audrey Forker	MEENMORE	
Jason Forker	MEENMORE	
Joey Forker	MEENMORE	
Jordan Forker	MEENMORE	
BRENNAN O'ROSC	DUNGLOE	
Mary Cannon	Dungloe	
Gerard Breslin	Dungloe	
Kate Breslin	Dungloe	
Conor Breslin	Dungloe	
Ailin Gallagher	Dungloe	

Name	Address	Business
Maene Gillespie	Sheshinawand	
Doelau Gillespie	Sheshinawand	
Sophie Gillespie	"	
Red Jack Gillespie	"	
Kathleen McGonagle	Meenacross	
Paul McGonagle	"	
oofe McGonagle	"	
James McGonagle	"	
Concho McGonagle	"	
Cathal Brennan	Falcorrib	
Mous Brennan	"	
Corny Brennan	"	
JIMMY SWEENEY	MARAMEELAN	
JOAN SWEENEY	MARAMEELAN	
EVELYN SWEENEY	MARAMEELAN	
CAITLIN SWEENEY	MARAMEELAN	
MICHELLE PATTON	FORMALLY MARAMEELAN	
NIGEL PATTON	RATHMULLAN	
Fiona Sweeney	marameelan	
Frank White	Falmore	
Aime White	Falmore	
Susan White	Falmore	
Yvonne White	Falmore	
Deirdre White	Falmore	
Mark Sweeney	Peltigo	
John Sweeney	Dunkinelly	
Margaret Sweeney	Dunkinelly	

Name	Address	Business
Nucle Bonn	Meenmore, Dingle	
Paddy Bonn	Meenmore, Dingle	
MICHELLE Doherty	Meenmore	
Val Green	Meenmore	
Val Green	"	
Joe Greene	LACROFTAGH BURKINPORT	
Noreen Bonner	Church Rd.	
Dan Bonner	" "	
Mary Gallagher	Crucknaggaragh.	
Daive Ellen	Dingle	
Eldeen Gillen	Dingle	
Niamh Martin	Tubberkean	
Paul Martin	Tubberkean	
Ciara Martin	Tubberkean	
Alicia McCauley	Dingle	
Sue Cauley	Dingle	
Ann Greene	Dingle	
Philip Greene	Dingle	
John Boyle	Leadmill	
TOTTIE Boyle	Dingle	
Marie McKeown	Dingle	Carroll
Eoin McKeown	Loahanna	
Aileen <sup>nr</sup> David	Maghera Dingle	
Orlaith <sup>nr</sup> David	Maghera	
Ciara <sup>nr</sup> David	Maghera	
Louise <sup>nr</sup> David	Maghera	
EULANN	BOYLE	
Stella Cummins	GLASHBEGGAN	
Rat Cummins	GLASHBEGGAN	

Name	Address	Business
M. Dink	16 Main St Duffin	Dinkys
Dominic Bonner	Marin Road, Glenties	
Carol <del>Bonner</del> <sup>Bidder</sup>	Marin Road, Glenties	
Colin O'Brien	CHAPET Rd. DUNGLOE	
BRIDGET O'BRIEN	CHAPET Rd. DUNGLOE	
SYLVIA O'BRIEN	CHAPET Rd. DUNGLOE	
Keith Greene	Meenmore, Dungloe	
HUGH Gillespie	Meenmore, Duffin	
Martin Greene	Mill Road, Dungloe	
Grace Spear <sup>hacker</sup>	Burtonport	
Feenagh McSister	On the lake, Duffin	
Willie Focker	Meenmore, Dungloe	
Pat Bonner	Tubberken (Coiscobain)	
Cathy Cano	Tubberken (Coiscobain)	
Daniel Cano	Tubberken (Coiscobain)	
Charlotte Gallagher	Dungloe	
Ann Meehan	Burtonport	
Susan Meehan	Burtonport	
Sean Meehan	Burtonport	
Seamus Meehan	Dungloe	
Frankie McNamee	Meenmore	
Kate McGee	Meenmore	
Seamus Rodgers	Hills	
Bridget Rodgers	Hills	
Anna Rodgers	Hills	
Joe Rodgers	Hills	
		

Name	Address	Business
MARION MCCOY	MEENMORE DUNLOE	
PAULINE FORDE FORDE	MEENMORE DUNLOE	
MICKEY FORDE	MEENMORE DUNLOE	
RYAN FORDE	MEENMORE DUNLOE	
GRAZIA BONNER	CAIS QUAY TUBBERKIN	
WADDIE WICKELL	MEENMORE DUNLOE	
SYDNEY BOYLE	MEENMORE	
SEVIN GALLAGHER	MEENMORE DUNLOE	
THELMA GALLAGHER	MEENMORE DUNLOE	
MARY SPENCER	BOYVIEW HSE, DUNLOE	
WEDDIE O'NEILL	41/42 DUNLOE	
JOE GREER	DUNLOE	
BERNIE GREER	" "	
STEPHEN GREER	" "	
CONOR GREER	" "	
RYAN GREER	" "	
BRIAN O'HAN	DIAMOND DUNLOE	
MORENA O'HAN	" "	
PAUL WARD	BURTONPORT	
KEVIN POPE	LETTERKENNY	
DENISE WARD	MEENMORE	
ADRIAN WARD	MEENMORE	
CINE O'DONOHUE	MEENMORE	
JOHN MAYEE	DUNLOE	
SARAH ANNE CONWAY	MEENMORE	
THOMAS CONWAY	MEENMORE	
DAN WARD	MEENMORE	
ANNE MC CARTHY	MEENMORE	
MICHAEL M. CARTHY	MEENMORE	

Name	Address	Business
Jackie Ward	Diamond, Dungloe	
Brenda O'Guinness	Deannora, Dungloe	
Jergin Sweeney	Meenora, Dungloe	Retiree
Eamon Sweeney	Maenure, Dungloe	
Margaret Martin	Quay Rd. Dungloe	
OWILL ADLER	DU DULO E	
Hugh Gallagher	Dungloe	
Emma Gaveny	Tubberkeen	
Martin Gaveny	Tubberkeen	
Karl Wallace	Tubberkeen, Dungloe	
Caitriona Boyle	Meendrain, Dungloe	
Kitty Bonnet	" "	
Desiree Mooney	" "	
Clodagh Moorey	Meendrain, Dungloe	
Kathleen McFadden	Red Ceisire, Dungloe	
Sueah McFadden	Diamond, Dungloe	
Rachel McFadden	Chapel Rd, Dungloe	
Charlie Doherty	Littlebridge, Dungloe	
Christina Doherty	Littlebridge, Dungloe	
Tara Sweeney	Cronashallag, Dungloe	
Niamhanna Doherty	Littlebridge, Dungloe	
Conor Diver	Cragboyle, Dungloe	
Madea Cyprian	Quay Rd 7	
Rose Doherty	Quay Rd	
Maeve O'Donnell	Mill Road	
John O'Donnell	Mill Rd	
Welda Neely	Cricknaseeragh	
Jim Ward	Cravane Rd	
Shane Neely	Cricknaseeragh	



Name	Address	Business
Katelyn Boyle	Meenmore Dungloe	
Jean Sweeney	Maeanolan	
Jimmy Sweeney	Maeanolan	
Mary McBlair	Meenmore	
Brendan McBlair	Meenmore	
Aaron McBlair	Meenmore	
Mary T. McGee	Meenmore	
Maack McGee	Meenmore.	
David McGee	Meenmore	
Patsy McCole	Meenmore	
Breda Doherty	Burtonport	
Kathleen Gillespie	Meenmore, Dungloe.	
Sheila Sweeney	Meenmore Dungloe	
Katie Sweeney	Meenmore Dungloe	
Nayla Greene	Mill Rd Dungloe	
Pauline Greene	Mill Rd. Dungloe	
F. McGovern	Dungloe	
Christie Wallace	Dungloe	
C. Whelan	Boyle	
M. Doherty	Dungloe.	
Colleen Kelly	Dungloe	
Emer Doherty	Dungloe.	
Patricia White	Dungloe.	
Marc Aderty	Dungloe	
Margaret Boyle	Dungloe	
Teenie Boyle	Dungloe	
Brenda Murray	Dungloe	
Stella Murray	Dungloe.	
Jane Murray	Dungloe	

Name	Address	Business
Near Doherty.	14 Main St. Dungloe	
Anthony Doherty.	" " "	
Emer Doherty	" " "	
Arthur O'Brien.	Moanmore.	
John O'Brien.	"	
Johna Doherty.	Dungloe	
John Swearing.	Dungloe	
Liz Boyle.	Granghyboyle	
Mary O'Donnell	Crucknagesagh.	
Bertha C. O'Leary	Mill Rd	
PATRICK GALLAGHER	MILL ROAD	
Mark Gallagher	Dungloe	
Joe Gallagher	Dungloe.	
Christina Lovell	Dungloe	
Charles Lovell	Dungloe	
Dorcas Lovell	Dungloe	
Edwin Lovell	Dungloe	
Lure Neely	Crucknagesagh	
Adam Neely	Crucknagesagh	
Soe Neely	Crucknagesagh.	
Katie Gallagher	Mill Rd	
Arthur O'Donnell	Mill Rd.	
Mal Keane	Quay Rd	
Nancy Gallagher	Quay Rd	
Stephen Mally	Quay Rd	
Megan Mally	Quay Rd	
Jamie Mally	Quay Rd	
Joe Bala	Moanmore	
Charlize O'Hagan	Diamond Dungloe	

Name	Address	Business
Han Doney	Cois Craic, Tubberkean	
Liane Greene	18 Cois Locha, Dungloe	
Shaun O'Donnell	Bay View House, County Lorc	
Dean O'Brien	Mee more	
Ella O'Brien	Mee more	
Adrian O'Brien	Mee more	
Donaghua Wick	GLASBERRY	
Noreen Ward	L1. Keodue	
Jack Ward	L1. Keodue	
Anna Ward	L1. Keodue	
Conor Ward	L1. Keodue	
Brian Greene	Dungloe	
Hank R. Guine	Dungloe	
Anne Greene	Dungloe	
Leigh Greene	Dungloe	
CAROLINE O'DONNELL	LETTIN	
MANUS O'DONNELL	LETTIN	
CLIONA O'DONNELL	LETTIN	
KEVIN O'DONNELL	LETTIN	
CHRISTOPHER O'DONNELL	LETTIN	
GERALDINE O'DONNELL	LETTIN	
Louise McHugh	Dungloe	
Martin McHugh	Dungloe	
CORA McHugh	Dungloe	
KIAN GLEWIE	Dungloe	
Laura Cannon	Dungloe	
Mary O'Brien	Dungloe	
Dan O'Brien	Dungloe	
Jessica O'Brien	Dungloe	

Name	Address	Business
Philly/h	The Café	
Kathryn O'Donnell	County Lane Dungle	
Charles O'Donnell	" - "	
Christopher O'Donnell	" - "	
Kevan O'Donnell	" - "	
Stephen O'Donnell	" - "	
Brendan O'Donnell	" - "	
Raed Curaid		
Maetina Curaid		
James Doran		
Bob Doran		
Michelle Doran		
John Doran.		
Don Wallace.		
Adam O'Brien	Dungloe	
Jack O'Brien	Dungloe	
Sam O'Brien	Dungloe	
Matthew O'Brien	Dungloe	
Shela Ward.	Dungloe	
Adrian Ward	Duncaslogh	
Paul Ward	Duncaslogh	
LEAH Ward		
Junia Melly	Dungloe.	
Bernadette Melly		
Deborah Melly		
Cathy Melly		
Noel Melly		
Angela Melly		
Phillip Melly		

Name	Address	Business
DANIEL M Kelly	DUNGLON	
Philip O Dewell	Cuckinagoragh.	
Pat O Dewell	Cuckinagoragh.	
Kate Boyle	Dungloe	
Mary M Gintley	Bansack BARR.	
James M Cole	Dungloe	
Gerrard O Dewell	Bansack	
Carlton M Nulty	Dungloe	
Danny M Nulty	Dungloe	
Chris Greene	Dungloe	
Paula Greene		
Andrew Greene	Dungloe	
Paul GREENE	Dungloe	
James Cannon	Dungloe	
AMY Cannon	Dungloe	

Name	Address	Business
Jenny Sweeney	Meenmore	
Kirstie Boyle	Me. Q. N. Me. Q. Rd	
Keelan Gallagher	5. Cois Cocha Dingle.	
Shaune Boyle	Meenmore, Dingle.	
Charlotte	Meenmore, Dingle	
<del>Anthony</del>	Meenmore, Dingle	
BRIAN WALY	CARAVAN RD Dingle	
Erlyn Sweeney	Church RD Dingle	
Caithlin	Church RD, Dingle	
Paul Blake	New road, Glenties	
Sarah Bonney	New road, Glenties	
Aimee Doherty	Meenmore Dingle	
Mary A. Doherty	Meenmore Dingle	
Don O'Connell	Meenmore Dingle	
Mareen O'Connell	Meenmore, Dingle	
SEAMUS DONERTY	Fairhill Dingle	
Denra Doherty	Fairhill Dingle	
Laura Doherty	" "	
Marolyn Doherty	" "	
<del>Mary Gallagher</del>	Quay Road.	
Noreen Martin	Tubberkean	
John Wallace	Tubberkean	
ELIEN GAVIN	Tubberkean	
ANASTASIA GAVIN	Tubberkean	
Ryan Connor	Tubberkean	
Molly Wallace	Dingle.	
Anna Connor	Dingle	
Aislinga Boyle	Dingle	
William	Royal	

Name	Address	Business
Stephen Greer	Pale Rd Dungloe	
Pauline Doherty	Quay Rd, Dungloe	
Maddy Lee	Meenmore, Dungloe	
Burcheen Doherty	Littlebridge, Dungloe	
Bella Boner	Falmore	
John Boner	Falmore	
Brend O'Donnell	Quay Rd	
Dermot O'Donnell	Quay Rd	
Cathal McCole	Fair Hill	
Donald O'Donnell	Quay Rd	
MARY McGINLEY	BREACK BRAE	
TARA McDEVITT	BURTONPOET	
EMILY BONER	MEENMORE DUNGLOE	
SUSAN BONER	MEENMORE DUNGLOE	
LINDA MCKEOWN	LETTERKENNY	
Gloria McChubb	Dungloe	
Ciaea McDavitt	Crosshallog, Dungloe	
Mary T. Coll	Crosshallog, Dungloe	
Cathal McDavitt	Crosshallog, Dungloe	
Catherine Ward	Meenmore	
Francis Gallagher	Mullaghduff	
Patrick Boyle	de Angli, Dungloe	
Brian Boyle	4 Arch Cross, Dungloe	
Aileen Boyle	Meenmore, Dungloe	
Kerin Gallagher	Meenmore, Dungloe	
La Gallagher	Meenmore, Dungloe	
Mary McCallig	Dungloe	
Brian McCallig	Dungloe	
Joanne Breslin	Dungloe	

Name	Address	Business
Martin McGarvey	Dungloe	
Liam Connors	Dungloe	
Tina McGarvey	Dungloe	
Eve McGarvey	Dungloe	
Christine Wallace	Tubberkean	
Aine Connors	Maumee	
John Wallace	Tubberkean	
Kate Wallace	Tubberkean	
Liz Hanlon	Dungloe	
Patsy Hanlon	" "	
Adrian Hanlon	" "	
Darius Hanlon	" "	
Jason Hanlon	" "	
Aine Hanlon	" "	
Robert Hanlon	" "	
Patrick Hanlon	" "	
Mary Grace Hanlon	" "	
Dessie Hanlon	" "	
Lizzy Hanlon	" "	
Sinead Kehoe	" "	
Blake Hanlon	" "	
Nathan Hanlon	" "	
Adam Hanlon	" "	
Jack Boyle	" "	
Lizzy Boyle	" "	
Grace Ann Boyle	" "	
John Boyle	" "	



Name	Address	Business
Corey Boyle	Dungloe	
Brooks Harlan	" "	
Skye Boyle	" "	
Rachel O'Hearty	" "	
James O'Hearty	" "	
JPMcBride	- -	
Julie McBride	- -	
Kevin McBride	- -	
Hannah McBride	- -	
Evege McBride	- -	
Pauline Foraker	Dungloe	
Mickey Foraker	Dungloe	
Ryan Foraker	Dungloe	
Willie Foraker	Dungloe	
Joe Foraker	Dungloe	
Audrey Foraker	Dungloe	
Susan Foraker	Dungloe	
Isadan Foraker	Dungloe	
Joey Foraker	Dungloe	
Regan O'Riordan	Dungloe	
Irene McNicola	Dungloe	
Geraldine O'Donnell	Dungloe	
Paul O'Donnell	Dungloe	
Brenda Campbell	Dungloe	
Sue Plant	Dungloe	
Mark O'Donnell	Dungloe	
Terma Tracey	Dungloe	

Name	Address	Business
Kirstie Boyle	Meenmore Dunloe	
Aileen Boyle	Meenmore Dunloe.	
CHARLOTTE BOYLE	MEENMORE DUNGLOE	
Anthony Boyle	Meenmore Dunloe	
Shauna Boyle	Meenmore Dunloe	
Kathryn Boyle	Meenmore Dunloe	
Joe Boyle	Meenmore Dunloe	
Eimhann Govey	Dooberkeen Dunloe	
Ciona Walsh	Fair Hill, Dunloe.	Resident.
Rose Gallagher	Meendean Dunloe.	
Sinéad Doogan	Meenband Buntanport	
Jean Sweeney	Skeeracall Dunloe	
SISIN KELLY	DUNGLOE	
BERNIE McLAUGHLIN	TUBBERKEEN DUNGLOE	
Maureen O'Connell	Meenmore.	B + B

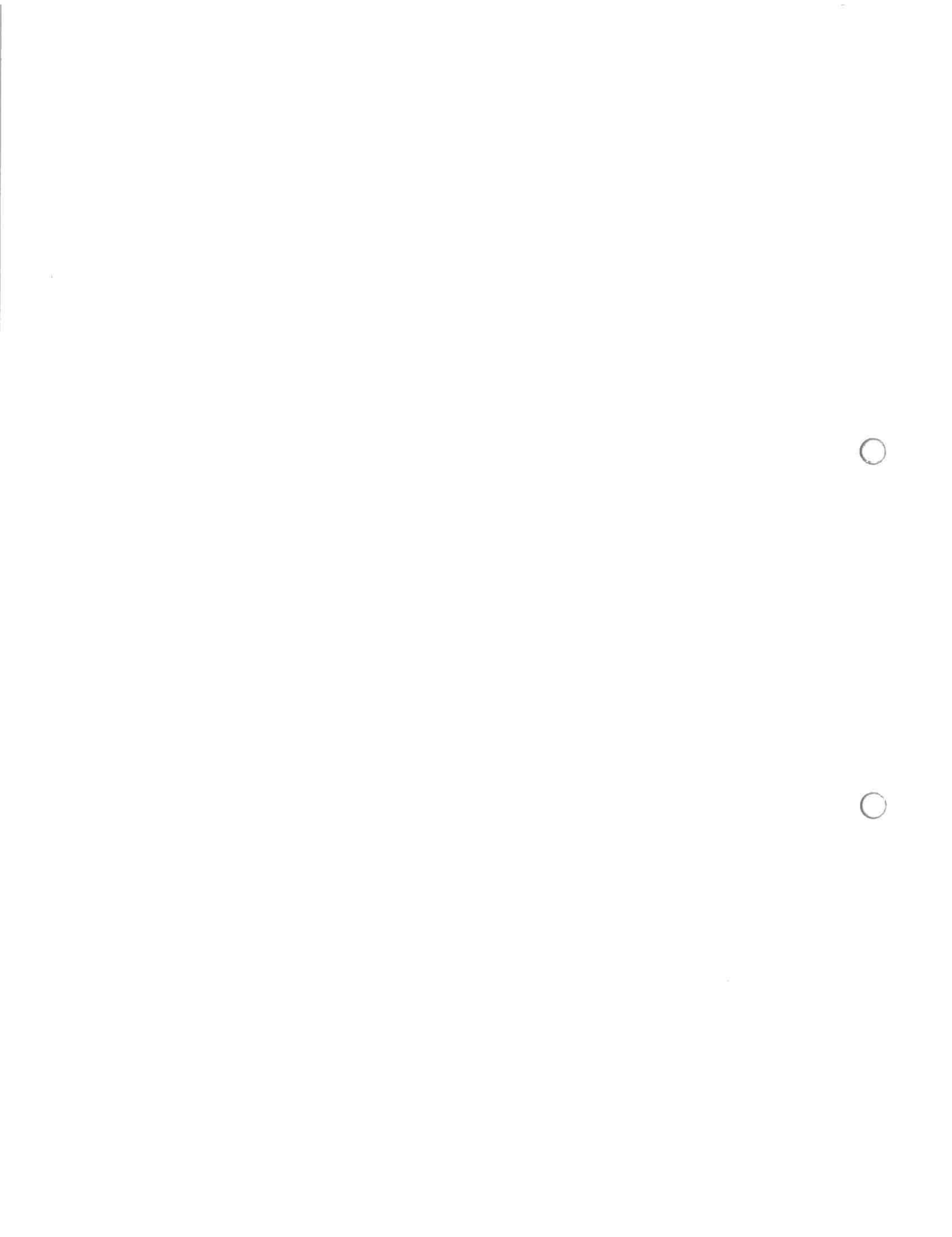
Name	Address	Business
Margaret O'Donnell	20 arrol Cross Quay Rd	
Hazel Divil	Bortanport	
Pat Ryan.	Sheskinarone	
Anthony O'Donnell	Quay ROAD Dungleoe	
Brendan M'bee	Meenmore	
Lisa M'bee	..	
Jessica M'bee	..	
Ruby M'bee	..	
Amelia M'bee	..	
Michael Flynn	Dungleoe	
Broda Bredin	Dungleoe	
Donald O'Donnell	Ranfash	



	<b>Name</b>	<b>Requested By:</b>
1	Irene MacNivoll	Facebook/Messenger
2	Regan O Brien	Facebook/Messenger
3	Geraldine O'Donnell	Facebook/Messenger
4	Sue Plant	Facebook/Messenger
5	Brenda Campbell	Facebook/Messenger
6	Trina Tracey	Facebook/Messenger
7	Colin O Brien	Facebook/Messenger
8	Bridget Mooney O Brien	Facebook/Messenger
9	Sylvia O'Brien	Facebook/Messenger
10	Marie Sweeney McGarvey	Facebook/Messenger
11	Eddie Gildea	Facebook/Messenger
12	Caroline Gildea	Facebook/Messenger
13	Eamonn Gildea	Facebook/Messenger
14	Liam Gildea	Facebook/Messenger
15	Joseph Gildea	Facebook/Messenger
16	Maureen Hanlon	Facebook/Messenger
17	Alden Hanlon	Facebook/Messenger
18	Sophie Hanlon	Facebook/Messenger
19	Fionna Boyle	Facebook/Messenger
20	Anne Boyle	Facebook/Messenger
21	John Boyle	Facebook/Messenger
22	Michelle Gallagher Boyle	Facebook/Messenger
23	James Boyle	Facebook/Messenger
24	Ayva Boyle	Facebook/Messenger
25	Elcie Boyle	Facebook/Messenger
26	Cassie Boyle	Facebook/Messenger
27	Kevin Gallagher	Facebook/Messenger
28	La Gallagher	Facebook/Messenger
29	Crona Sweeney	Facebook/Messenger
30	Adrian Sweeney	Facebook/Messenger
31	Fiadh Sweeney	Facebook/Messenger
32	Aoife Sweeney	Facebook/Messenger
33	Naoise Sweeney	Facebook/Messenger
34	Iarladh Sweeney	Facebook/Messenger
35	Grace Garvie	Facebook/Messenger
36	Kathleen Cook	Facebook/Messenger
37	Mairead Boyle	Facebook/Messenger
38	Darren Curran	Facebook/Messenger
39	Barry Curran	Facebook/Messenger
40	Mark Curran	Facebook/Messenger
41	Bridie Gillespie	Facebook/Messenger
42	John Sweeney	Facebook/Messenger
43	Donna Sweeney	Facebook/Messenger
44	Dylan Sweeney	Facebook/Messenger
45	Shannon Sweeney	Facebook/Messenger

	<b>Name</b>	<b>Requested By:</b>
46	Tara Sweeney	Facebook/Messenger
47	Helen Farrell	Facebook/Messenger
48	Joe Farrell	Facebook/Messenger
49	Noreen McGarvey	Facebook/Messenger
50	Frances Boyle	Facebook/Messenger
51	Fiona Campbell	Facebook/Messenger
52	Brenda Campbell	Facebook/Messenger
53	Shaun Campbell	Facebook/Messenger
54	Patrick Boyle	Facebook/Messenger
55	Irene McGeever	Facebook/Messenger
56	Bernard McGeever	Facebook/Messenger
57	Shaun McGeever	Facebook/Messenger
58	Stephen McGeever	Facebook/Messenger
59	Siobhan Wallace Oglesby	Facebook/Messenger
60	Pauline Glackin	Facebook/Messenger
61	Michael Duddy	Facebook/Messenger
62	Ava Gallagher	Facebook/Messenger
63	Jim Gallagher	Facebook/Messenger
64	Jack Gallagher	Facebook/Messenger
65	Mary Gallagher	Facebook/Messenger
66	Shannon Gallagher	Facebook/Messenger
67	Kathleen Bonner	Facebook/Messenger
68	Stephen Bonner	Facebook/Messenger
69	Karol Bonner	Facebook/Messenger
70	Kyle Bonner	Facebook/Messenger
71	Ella Bonner	Facebook/Messenger
72	Claire Boyle	Facebook/Messenger
73	Paddy Boyle	Facebook/Messenger
74	Conor Boyle	Facebook/Messenger
75	Callie Boyle	Facebook/Messenger
76	ary Teres McDougall	Facebook/Messenger
77	John McDougall	Facebook/Messenger
78	Kathleen Tracey Boyle	Facebook/Messenger
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80	Zaria Boyle	Facebook/Messenger
81	Saskia Boyle	Facebook/Messenger
82	Justine Boyle	Facebook/Messenger
83	Lily Boyle	Facebook/Messenger
84	Toni Boyle	Facebook/Messenger
85	Margaret Coyle	Facebook/Messenger
86	Bridie cBride	Facebook/Messenger
87	Paul O Donnell	Facebook/Messenger
88	Patricia McShea	Facebook/Messenger
89	Sharon Ward	Facebook/Messenger
90	Declan Sweeney	Facebook/Messenger

	<b>Name</b>	<b>Requested By:</b>
91	Jake Sweeney	Facebook/Messenger
92	Adam Sweeney	Facebook/Messenger
93	Aine Sweeney	Facebook/Messenger
94	Shauna Gillespie	Facebook/Messenger
95	Pauline Gillespie	Facebook/Messenger
96	Shaun Gillespie	Facebook/Messenger
97	Killian Gillespie	Facebook/Messenger
98	Ethan Gillespie	Facebook/Messenger
99	Seannan Gillespie	Facebook/Messenger
100	Mary Glackin	Facebook/Messenger
101	Leah O Hagan	Facebook/Messenger
102	Brian O Hagan	Facebook/Messenger
103	Eoghan O Hagan	Facebook/Messenger
104	Charlize O Hagan	Facebook/Messenger
105	Morena O Hagan	Facebook/Messenger
106	Caroline Mcllwaine	Facebook/Messenger
107	Anthony O'Donnell	Facebook/Messenger
108	Annmarie O'Donnell	Facebook/Messenger
109	Breda Boyle	Facebook/Messenger
110	Doalty Boyle	Facebook/Messenger
111	Dylan Boyle	Facebook/Messenger
112	Mark Boyle	Facebook/Messenger
113	Rachel Boyle Cowley	Facebook/Messenger
114	Eilish O'Donnell	Facebook/Messenger
115	Mairead Somerville	Facebook/Messenger
116	Tim Somerville	Facebook/Messenger
117	Flynn Somerville	Facebook/Messenger
118	Jamie Sommerville	Facebook/Messenger
119	Heather Somerville.	Facebook/Messenger
120	Katie Sweeney	Facebook/Messenger
121	Geraldine Oglesby	Facebook/Messenger
122	Ann Roarty	Facebook/Messenger
123	Anna Donald SNR	Facebook/Messenger
124	Anna Donald	Facebook/Messenger
125	Ally Donald	Facebook/Messenger
126	Timmi Donald	Facebook/Messenger
127	Reyad Donald	Facebook/Messenger
128	Peadar Donald	Facebook/Messenger
129	Joey Donald	Facebook/Messenger
130	Niamh O Donnell	Facebook/Messenger
131	Michelle Doherty Haughey	Facebook/Messenger
132	Mary Jo Doherty	Facebook/Messenger
133	Dinny Doherty	Facebook/Messenger
134	Breda Doherty	Facebook/Messenger





## Appendix 3

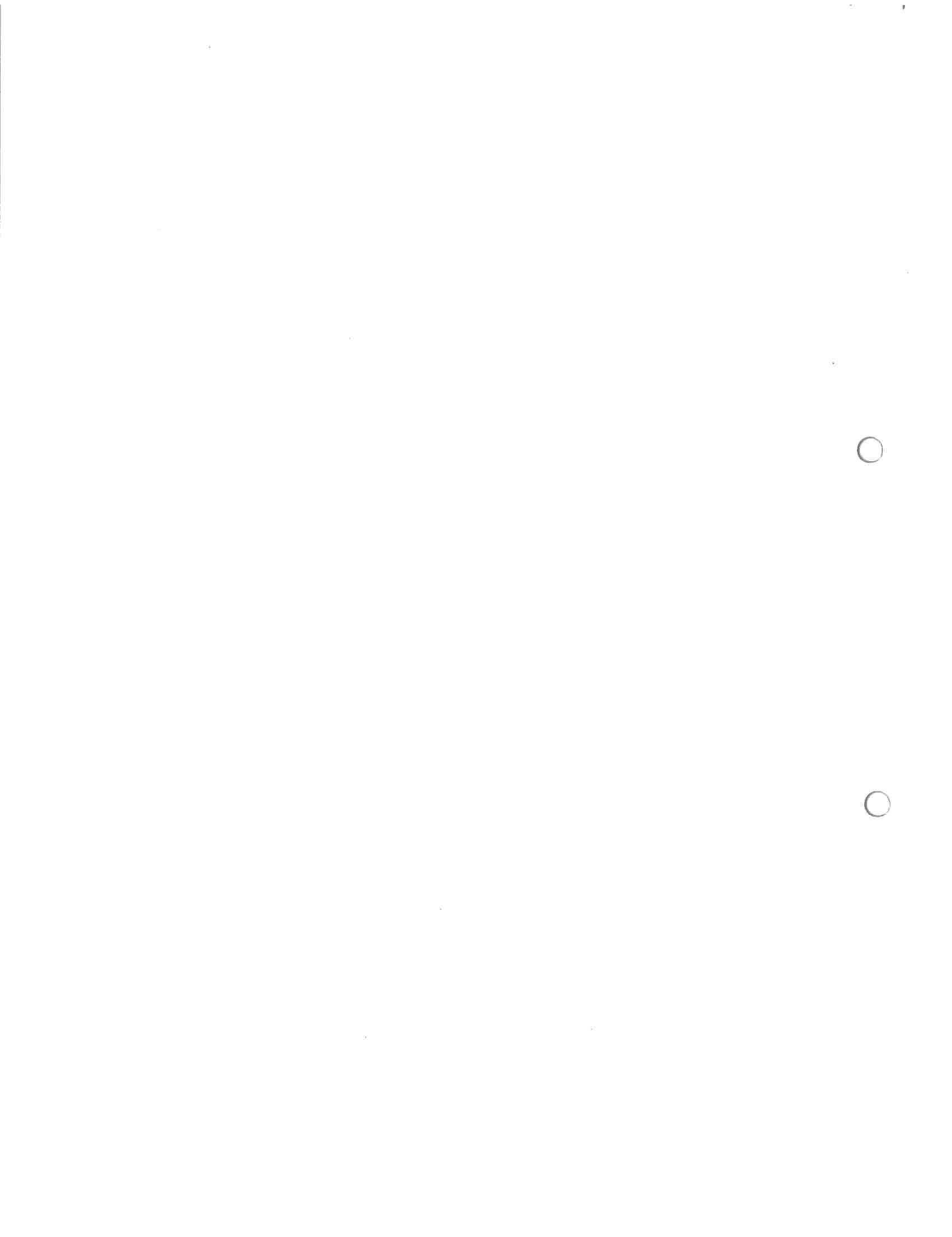
Submission to the department

○ against the proposed

aquaculture licences in

Inner Dungloe Bay

○ prior to June closing date.



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

26th June 2019

**Case references: T12/545, T12/481, T12/205C, T12/486, T12/506, T12/521**

A chara,

We are writing to make a formal observation, pursuant to licensing under Fisheries (Amendment) Act, 1997 and Foreshore Act, 1933, with respect to the Aquaculture licence applications cited above. The applicants are seeking permission to carry out a number of Marine-based and Mari-culture related activities, specifically the cultivation of shellfish and the erection of harvesting equipment and deployment of associated cultivation methods, at Dunglow (Dungloe Bay), Co. Donegal.

We can confirm that we have studied all relevant documentation pertaining to the above applications and we hereby enclose herein details of our reservations with respect to same for your consideration.

Dungloe Town was established in the 18th Century. We have a population of 1,876. We are the largest Gaeltacht town in Donegal. We have recently been designated as 1 of 7 strategic towns in Donegal by Donegal County Council due to our 'Special Economic Function', and our potential to play a critical role in driving growth and development in the county.

Dungloe is a services town including the following: Hospital, Donegal County Council, Social Welfare, Citizens Information Centre, Ambulance, Fire Station, Banks, Credit Union, Solicitors, Accountants, Opticians, Dentists, Library, Post Office, Childcare Facilities, Pharmacies, Beauticians, Hairdressers, Garages, Launderette, retail, grocery and many more.

**Visual Impact:**

We have lived in the area and its vicinity all our lives and have always enjoyed the tranquillity, quietude and unspoilt attributes associated with Dungloe Bay, including the unperturbed and pristine waters (excellent water quality) over the past number of years since the installation of Dungloe Sewage Treatment Plant.

Dungloe town is built around the Bay with our homes overlooking it and it's felt that the impact of a large scale proposal such as this, would greatly impede on the area's unique landscape and unblemished topography.

Oyster farming, as a commercial activity, is specially structured and orientated to take full advantage of the biology and life cycle of the target species. Depending on the methods of cultivation and techniques involved, harvesting of shellfish can cause considerable visual obstruction. The technique favoured by the applicant involves the use of 'Oyster Trestles' which, as physical steel structures of varying heights, are easily visible. Additionally, the installation of 'navigation poles' along the marine bed which, are designed to be much greater in height than trestles, may also be considered to be unsightly.

In the instance of this application, it's planned that trestles will be 0.6m in height and 0.8m wide at the top, while the poles have a height specification of 2m above MHWS, with light and radar reflector, if required. Such sizeable frames

and poles would be clearly visible in the Bay, particularly during periods of low tide. It may therefore be argued that such a method of cultivation would be considered visually intrusive and would cause significant visual obstruction for both residents and visitors of the area alike. It must be considered that Dungloe Bay is one of our greatest amenities.

### **Environmental Impact:**

Considering that the nature of the activities pertaining to the application are primarily marine based, the negative influences often associated with aqua-farming on the marine environment must not be overlooked in this instance.

The area in which this proposal is planned is a Special Area of Conservation (SAC), and any potential aquaculture or mari-culture activity must incorporate specific conditions as to accommodate Natura requirements.

It is widely documented that aquaculture can have a detrimental effect on the marine environment including through the accumulation of waste from feed and faecal pellets, while aquaculture in general may result in changes to the benthic macro-fauna. Aquaculture stock may pose a threat to wild populations through a reduction in gene pool strength caused when escaping farm stock mate with wild species, something which can result in the transmission of diseases to wild stocks. Furthermore, in areas where aquaculture activity is prolific, this is likely result in environmental degradation and may lead to poor aquaculture growth rates. Therefore, in bays where aquaculture is abundant, the marine environment is likely to suffer from 'over stocking'.

The potential impact of intertidal oyster culture on water birds and the distribution of any birds which inhabit or depend on water bodies has become the subject of much study in recent years. Research carried out by the Marine Institute into the effects of oyster farming on marine and aquatic birds, has found that the assemblage variation and flocking behaviour of certain bird species is heavily affected by the presence of oyster trestles. Inisean Island in Dungloe Bay is translated to 'Island of the Birds' which got its name because of the large Bird population living on it.

The study found that the species which tend to feed in large highly concentrated flocks, such as the Knot (*Calidris canutus*); Sanderling (*Calidris alba*); Dunlin (*Calidris alpina*); Blacktailed Godwit (*Limosa limosa*); Bar-tailed Godwit (*Limosa lapponica*) and the Ringed Plover (*Charadrius hiaticula*), all demonstrated a negative response to the structures. The presence of trestles in the samples taken from the studied ordination space, directly interfered with the flocking and territorial behaviour of the species, forcing individual birds to become dispersed across several lines of trestles.<sup>1</sup>

It's notable that the species which displayed the strongest negative response to oyster trestles generally favour open mudflats/sandflats, such as those present at the proposed development site. Consequently, mixed sediment and rocky shore sites are often cited as the preferred locations for littoral zone oyster culture as such sites can minimise the potential harmful impact of oyster culture on birds inhabiting the marine environment. In this context, it can reasonably be argued that the area for which this licence is being sought would be most unsuitable for the installation of oyster trestles and harvesting equipment given the repercussions which such activities have on avifauna.

In 2014, BirdWatch Ireland and the Royal Society for the Protection of Birds (RSPB) worked to compile a updated list of bird species on the island of Ireland with each species classified into three separate headings (i.e., Red, Amber and Green), based on the conservation status of the bird and hence where conservation priority lies with respect to each. This publication, entitled 'Birds of Conservation Concern in Ireland' (BoCCI) found that, of the above named species, the Dunlin (*Calidris alpina*) qualified for Red listing due to its extreme declining breeding and wintering populations, while both the Knot (*Calidris canutus*) and the Bar-tailed Godwit (*Limosa lapponica*) were given Amber status, owing

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<sup>1</sup> Gittings, T. & O'Donoghue, P.D. (2012). *The effects of intertidal oyster culture on the spatial distribution of waterbirds*. Report prepared for the Marine Institute. Atkins, Cork.

to the birds' moderate declines in range and or abundance.<sup>2</sup> In the case of the Dunlin and Knot, coastal estuarine sites of muddy sands, such as those found at the proposed development, are recognised as important wintering sites for both species.

Furthermore, Dungloe Bay has many harbour seals who enjoy the uninterrupted use of all of our Bay from Dungloe Town out to Rutland around Inisean Island.

Harbour seal population assessment in the Republic of Ireland August 2003 - Citation: Cronin, M., Duck, C., Ó Cadhla, O., Nairn, R., Strong, D. & O' Keeffe, C. (2004). Harbour seal population assessment in the Republic of Ireland: August 2003. Irish Wildlife Manuals, No. 11. National Parks & Wildlife Service, Department of Environment, Heritage and Local Government, Dublin, Ireland.

The harbour seal *Phoca vitulina* (also known as "common seal"; Plate 1) is one of two seal species native to Irish waters. Like their larger grey seal (*Halichoerus grypus*) relatives, harbour seals have established themselves at terrestrial colonies (or haul-outs) along all coastlines of Ireland, which they leave when foraging or moving between areas, for example, and to which they return to rest ashore, rear young, engage in social activity, etc. These haul-out groups of harbour seals have tended historically to be found among inshore bays and islands, coves and estuaries (Lockley, 1966; Summers et al., 1980), particularly around the hours of lowest tide. Grey and harbour seals are strictly protected in the Republic of Ireland under the Wildlife Acts, 1976 and 2000. They are listed under Annex II of the EU Habitats Directive as species of Community Interest, whose conservation requires the designation of Special Areas of Conservation (SACs). In the latter part of the 1990s, the National Parks & Wildlife Service, NPWS (formerly part of Dúchas the Heritage Service) proposed all of the known major breeding sites of the two species as SACs, ten for the grey seal and seven for the harbour seal.

TABLE II. Counts of harbour seals at **ground-truthing** sites, carried out over a four-hour count period on each site's aerial survey day in August 2003.

Dungloe Bay	Tidal	Low -1hr	178	State	Low +1hr	180
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TABLE III. Summary of **aerial- and ground-counts** of harbour seals and grey seals at all ground-truthing sites selected during the 2003 survey.

Dungloe Bay	Aerial Count of Harbour Grey Seal	266
	Ground Count of Harbour Grey Seal	180

### 3.1.3 Aerial- Vs Ground-count data

A comparison of harbour seal and grey seal count data collected via simultaneous aerial and ground count methods is shown in Table III. Aerial-counts were obtained in real time. However, where discrepancies occurred between the data gathered from the air and those from the ground, thermal and video imagery were rechecked. The amended counts are shown here. Aerial and ground-counts were very similar ( $\pm 2$  animals) at all sites except the following:

**Dungloe Bay: A significantly higher aerial-count than ground-count was obtained, possibly as a result of segregated distribution of animals over a large area, making a ground-count more difficult to execute. The aerial-count was rechecked and no changes were made to the real time count.**

At the time of survey, seven Special Areas of Conservation (SACs) are listed with the harbour seal as qualifying interest (i.e. one of the factors meriting designation was the importance of the site for the harbour seal). The survey results suggest two further SACs should have additional qualifying interest due to harbour seal occurrence in the SAC. These are Kenmare River (Site Code 2158) and **Rutland Island and Sound (Site Code 2283) (Appendix II). The latter would require a small extension into Dungloe Bay to include all harbour seal haul-out areas. Based on the 2003 survey, 51% of the population estimate for the Republic of Ireland would then be included in SACs. This is consistent with the requirements of the EU Habitats Directive.**

**Within boundaries of proposed license there a number of moult haul-out sites. In NPWS Conservation objectives supporting document – Marine Harbour and Species 2013 for site code 2283 objectives and targets are set out. It is clear if this licence is permitted it will result in significant interference with and disturbance of moulting**

<sup>2</sup> Colhoun, K. and Cummins, S. (2014) *Birds of Conservation Concern in Ireland 2014–2019*.

behaviour. It will also cause displacement of individual seals from a moult haul-out sites which ultimately interferes with the key ecological functions.

Reference NPWS 2013 Document : Conservation objectives supporting document – Marine Harbour and Species 2013

[https://www.npws.ie/sites/default/files/publications/pdf/002283\\_Rutland%20Island%20and%20Sound%20SAC%20Marine%20Supporting%20Doc\\_V1.pdf](https://www.npws.ie/sites/default/files/publications/pdf/002283_Rutland%20Island%20and%20Sound%20SAC%20Marine%20Supporting%20Doc_V1.pdf)

#### **Appropriate Assessment for Dungloe Bay**

With regard to Appropriate Assessment for Dungloe Bay - Report supporting Appropriate Assessment of Aquaculture in Rutland Island and Sound SAC (Site code: 02283), prepared by Marine Institute for the Department of Agriculture, Food and Marine, I draw your attention to conclusion within the AA that clearly states that intensification of aquaculture and granting of new applications will have a disturbing effect on the Rutland and Sound SAC specifically relating to harbour seal populations. These applications overlap on moulting sites and the intertidal access route to both applications also overlap on moulting sites. Granting these application by the minister would clearly be in complete contradiction of the department's own AA for Dungloe Bay.

It clearly states within the AA that current level of aquaculture activity are conducive with the favourable conservation status. In addition, it would appear that the current level of activity at the sensitive times of the year (breeding and moulting, i.e. May to September) is sufficient to maintain stable seal counts at the site.

#### **Economic Impact:**

Notwithstanding the potential knock-on effects which the awarding of this licence may yield and as discussed previously in this submission, another area to which consideration must be given is that of the impact which such a development may have on the local economy.

Donegal is widely regarded as a land of breath taking natural beauty and is renowned for its long picturesque coastline, and unspoilt natural habitats. 'The Beautiful Scenery' was the main reason cited by tourists for choosing to holiday in the county according to tourism studies. In one such study, 80% of respondents credited the 'Beautiful Scenery' as their primary reason for recommending the area. These figures therefore serve to highlight the significance of protecting and promoting the topography of the county in order to sustain and further develop the tourism sector here.<sup>3</sup>

Accordingly, it is important to note that poor and imprudent planning and aquaculture management can impact negatively on lucrative recreational activities and amenities such as fishing, water sports and ecotourism to name a few. This is particularly worrying when one considers the importance of the hospitality and tourism sector to the region, something which is largely attributed to its hosting of a number of recreational water based leisure activities such as boating, canoeing, kayaking, sailing and swimming.

Dungloe Bay plays host to many of the above activities thanks by and large to inlet's relatively shallow waters and the temperate semi-diurnal nature of its tides. This favourable marine environment facilitates the use of the bay for any great number of leisure purposes, many of which have traditionally been enjoyed by locals and visitors to the area alike.

As a result, the bay is understandably a major lure and pull factor for visitors when coming to the region, and any development which could potentially restrict or limits its usage for water based leisure activities should be vehemently opposed. Incidentally, the size and scale of the project, as well as the limited 'Access' Zone which has

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<sup>3</sup> Fáilte Ireland, (2013) *Holidaymarker Study 2013 – Donegal/Sligo*

been proposed as part of the development, would all but render the Bay unsuitable for recreational, sporting and or leisure pursuits.

We look at tourism not just as attracting tourists but as a platform which supports economic growth and complete development. Tourism not only contributes towards more economic activities but also generates more employment, revenues and plays a significant role in our development. We need to create and provide modern and better facilities and services to make tourists consume more and increase tourism revenues and to provide improved infrastructure for our people.

Over the last few years we have put huge efforts into providing many attractions for our tourist and facilities for our community all of which have been based around our Bay.

### **Recent Developments on Dungloe Bay**

**The Pond** - This is one of the only outdoor swimming pools on the Wild Atlantic Way. The pond was originally built 1930 and has given decades of pleasure to generations of children and adults before falling into disrepair. We secured funding to enable us to bring it to its former glory. It is ideal picnic spot, with magnificent views of Oranmore and the islands sheltering Dungloe Bay. Testing of the water by Donegal County Council has shown excellent water quality. We are hoping The EPA Bathing Water report will include Dungloe Bay next year as being a bay which is suitable for bathing under the Bathing Water Regulations.

We are aware that oyster farms will not interfere with the water quality however, it will interfere with the area we currently use and make our bay unsafe for water sports.

**The Pier** - Our pier was built in 1923 by Paddy the Cope. Large boats are only able to come in at high spring tides. At that time The SS Glenmay (102ft long, 17ft beam, 8.5ft draught, weighing 154tons) docked every two weeks. We have a new slipway and the pier has been widened at a cost of €220,000.

**Dungloe Bay Walk (Phase 1)** - This part of the walk has just been completed along our bay connecting The Quay to The Pier. Phase 2 is at design stage with Donegal County Council which will connect The Quay to The Pond.

**Shorefront Recreational Area** - This includes a children's playground, community football pitch and facilities.

**Wildflower Garden** - Located at The Quay overlooking the bay this garden has been created with bird houses, bat houses, bug hotels, composting and wildflowers. It is enclosed by mature trees and hedges with seating area overlooking the bay.

**Dungloe Clean Coasts** - Last year we became members of An Taisce's Clean Coasts to help protect and care for Dungloe's waterways, coastline, seas, ocean and marine life.

**Dungloe Heritage Trail** - We launched our Dungloe Heritage Trail just last week. This bilingual Trail, with three large Trail boards around Dungloe, and an accompanying self-guiding brochure. Councillor Marie Therese Gallagher, speaking on behalf of the Glenties Councillors who chose Dungloe's Heritage Trail to be grant-aided, said: 'This will be a wonderful addition to the Dungloe experience. Visitors over the summer, particularly during the Mary from Dungloe International Arts Festival, will be able to self-guide the new heritage trail around the town. The Community has worked really well together, and the Dungloe Tidy Towns committee should feel very proud of what they have achieved in such a short time.'

Our vision for the town, 'Destination Dungloe' will be enhanced by this beautifully produced Trail map and guide. This trail leads people to The Pier, The Mill, The Quay, The Pond which are all located on the Bay.

**Recreational Fishing** - We have again got to experience crab fishing, mussel picking, Shian fishing all around the Bay which was a huge tradition of our towns people over generations. We aim to promote these activities and get our children to experience the fun, fresh air and all the benefits that come with it.

**Water Based Leisure Activities** - Over the past number of years Dungloe people have been increasing our use of the bay. Many of us have kayaks, jet ski's, leisure and speed boats, stand-up paddle boards, snorkeling equipment, wetsuits etc. which we now use regularly in the Bay.

**Regatta Weekend** - For generations Dungloe Bay always held regatta's but these were ceased in the 90's due to the quality of our water. The Regatta Weekend has been re-established in 2017. It is held in September with Races from the Pier to The Pond including Mixed Heats, Cogadh n gClann Heats. The Inisheane Island Race (5km Time Trial) including Skiff for Male, Female and Mixed categories, The 3 Hand Curragh and Open Classes. This weekend finishes with a Charity Cabaret in aid of RNLI & Cancer Care West. *This will not be able to continue if this licence is granted.*

*The location of this application will greatly reduce the area that we currently use for recreational activities. It will also make it unsafe for recreational use which we see as our future, heritage and tradition. If granted our access to the Bay will be diminished and our future plans will not be possible.*

#### **Our Future Plans for Dungloe Bay:**

**Phase 2 of Dungloe Bay Walk** - Connecting The Quay to The Pond

**Phase 3 of Dungloe Bay Walk** - Connecting the Town Centre to Dungloe Bay Walk

**Phase 4 of Dungloe Bay Walk** - Connecting Dungloe Bay Walk with the River Walk

**Phase 5 of Dungloe Bay Walk** - Connecting The Dungloe Pier to Limekiln Pier

**Phase 6 of Dungloe Bay Walk** - Connecting the Dungloe Bay Walk to Inisean Island

The extension of Dungloe Pier by Board Walk to Inisean Island.

**Marina** at Dungloe Pier.

**Water Safety Training** - The Pond allows for training when the tide is out and the depth of the water in the Bay makes it an ideal training area for open water sports.

Addition of **recreational water sports** in Dungloe Bay - Jet skiing, Kayaking, Leisure Boating, Snorkeling, Stand-up Paddle Boarding, fishing to name but a few.

Develop two **Viewing Area's** overlooking Dungloe Bay and our islands. One at Caravan Road and one on Crocknageeragh hill. These facilities will include telescope for both bird and seal watching.

Dungloe to become One of Irelands '**Age Friendly Towns**' - Donegal County Council recently held a Walkability Audit of Dungloe with over 100 people of all ages and abilities taking part. As the new Dungloe Bay Walk and shorefront area are on flat lands this will help us to gain the status of Age Friendly Town and also the ability to attract funding. The fresh air and uninterrupted views, ease of access and resting zones for all abilities will be of huge importance to our community and our tourism potential.

#### **Our Businesses:**

Prior to 2017 Dungloe had no hotel, 1 B&B, 1 Caravan Park and numerous business closures.



Since then we can boast of having 1 Award Winning 4\* Hotel, 9 B&B's, 2 Caravan Camping Sites, enhancement of Dungloe River Walk, 1 Children's Indoor Adventure Centre and many new businesses.

Dungloe is growing rapidly due to the increase in our tourism market. Currently planned for Dungloe are:

A New Boutique Hotel on Main Street, €5 Million Spa Extension to the Waterfront Hotel, New Upmarket Hostel, New Guest House, addition of 9 bedrooms to existing guest house.

**Seaweed Harvesting** has been a source of income in this area since early 1800's and rack cutters can still be seen when conditions are suitable in the Bay area. The approval of these licenses will greatly reduce the area available to our rack cutters. This long tradition and part of Dungloe's heritage will be lost .

The importance of Dungloe Bay to ensure Dungloe is a sustainable community cannot be overstated. We are heavily dependent on our Tourism market which is growing quickly with Dungloe being on the WAW. It will no doubt bring with it tremendous economic value to Dungloe. It touches and impacts several industries directly and  any more indirectly through tourism spend.

The tourism industry supports in excess of 29,000 jobs in the region and is responsible for attracting approximately 174,000 overseas visitors each year, while a further 500,000 domestic visitors come to Donegal to enjoy – amongst other things - our clean beaches and waterways.<sup>4</sup>

It may reasonably be argued therefore that should the proposals in question be allowed to go ahead, then such a situation would have profound implications on the locality's ability to sustain its existing tourism trade on which much employment and local businesses depend and that ultimately, this would irrevocably damage West Donegal's wider tourism brand.

Accordingly, and notwithstanding the very small number of full and part-time jobs which the applicant intends to create as a direct result of their application, the resulting job losses which would arise in both the tourism and hospitality industries would subsequently negate any potential job creation which the project may yield, and would ultimately result in significant employment loss to the area.

#### **Potential Damage/Loss of Essential Amenities, Recreational Activities and Heritage on Dungloe Bay**

Whilst we support the sustainable development of Aquaculture, we would have a lot of issues with the location in relation to these applications. The value of the amenities and recreational activities provided on Dungloe Bay and of the natural resources it supplies to the local community and tourist market are invaluable.

With reference to Section 8.2 paragraph (3) of the Fisheries (Amendment) Act 1997 "An aquaculture licence shall not be construed as taking away or abridging any right on, to or over any portion of the seashore enjoyed by a person under a local or special Act, or any charter, letters patent, prescription or immemorial usage, or a right of several fishery, without the consent of that person".

**We the people of Dungloe and surrounding areas believe that this is a direct infringement on our rights as stated above.**

**The proposed development also impedes on Donegal County Development Plan:**

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<sup>4</sup> Donegal County Council, (2014), "*DONEGAL'S TOURISM PRODUCT DEVELOPMENT.*" Accessed October 03, 2016. <http://www.donegalcoco.ie/business/developingourtourismsector/>.

To support tourism identity area and create an ancillary facilities necessary for quality holiday destination.

To support the development of area with strong tourism potential, which will lead to a sustainable tourism economy for the County and Region

To recognise the importance of walking routes and cycleways and to preserve public rights of way which give access to the seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility in the County.

To recognise Donegal has all the natural resources necessary to develop a vibrant and successful marine leisure and tourism section

The council support the built, natural, cultural and linguistic heritage of the Islands, which have significant tourist potential.

**Recreational services in Dungloe are built around outdoor amenities and services for the largest portion of employment accounted for by hotels and restaurants in the area. To remove or hinder this in any way would have devastating consequences on our rural community and would be contrary to what is laid out and proposed under the Donegal County Development Plan (in protecting and sustaining rural areas).**

### **Immemorial Usage of Dungloe Bay**

We would like to state 'Immemorial Usage' on Dungloe Bay as we have followed daily traditions and routes set out by our ancestors before us as members of the rural community. The proposed development would severely limit and make redundant the use of the bay for both locals and tourists as laid out below.

*"To ensure that any development on the foreshore does not detract from visual amenities of the coast and the public enjoyment thereof" Donegal County Development Plan.*

To increase the quality of beaches in the county and in so doing contribute to the development along the coast which would detract from its visual appearance or conflict with its recreational and leisure functions.

We would encourage you to engage with our local community and community organisations on their use of Dungloe Bay.

It is also important to highlight that many rural areas go without many of the services in urban areas: Swimming pool, transport services which our bay provided us with.

### **Some of the services offered by our bay:**

**Schools** - Our local school use the Bay area for nature walks to learn about their local environment and biodiversity, studies with their teacher's. We hope following the excellent water quality results that they will now be able to use it for swimming and other school sports.

**Natural Resources** - On the Bay you have the following in abundance which the locals use on a daily basis:

Lugworm for bait, Mussels for human consumption, Seaweed for baths and fertilizer.

**Boat Mooring** - The Bay provides for generation fishing boats a mooring place. They also use it to paint their boats and carry out maintenance work. It is also a good area to spread a net in need of mending.

**Playground for Children** - The Bay has been used throughout the years by our children to explore the islands in the Bay, climb rocks, skim stones, shian fishing, crab fishing.

**Recreational Services** - Swimming - ideal temperature from Spring to Autumn, Snorkelling, Water sports - Kayaking, sailing, windsurfing, kitesurfing, stand-up paddle boarding - Rock Climbing, Recreational Fishing, **Local Festivals** - Mary from Dungloe International Arts Festival, Regatta.

**Heritage Preservation**- Donegal has many historical societies and is ideal for genealogical and research holidays.

Recognition of rural customs and traditions and the preservation of the Rural Heritage. "the Rosses is an area in Donegal between the estuaries of the Gweebarra to the South and the Gweedore to the North. People have lived here since at least Neolithic times, 5,000+ years ago"

## **County Donegal Development Plan**

Respect the socio-cultural authenticity of the host communities, conserve their built and living cultural heritage and traditional values, and contribute to inter-cultural understanding and tolerance.

Heritage is now seen as an increasingly important part of tourism. It is important to recognise our heritage and link it to the Wild Atlantic Way tourism initiative by Fáilte Ireland. Saying this Dungloe Bay offers many historical customs and traditions.

Dungloe Bay was very important in terms of the religious, economic and social history of Dungloe and surrounding areas. The bay allowed for delivery of many supplies to the area by boat prior to road or rail transportation. The bay was and continues to be intensively used by local people and there has been no large scale archaeological excavation here whatsoever, however there is a wealth of recorded and oral history to give a vibrant picture of just how important this bay was in prehistory, in recorded history and in more recent times.

**The Mill** (a watermill)- was advertised for lease in 1775 and was on the 1777 road map. The tall three storey building was a store; the Mill building itself and the Race can still be seen from the bay.

**St. Crona's Church of Ireland** - originally built in 1760 to replace the one in ruins for 20 years at Termon. The Minister argued that this site by the new road and bridge was more convenient for his parishioners. The present structure dates from 1844 on Dungloe Bay.

**The Quay** - now part of Dungloe Bay Walk. As the bay is shallow and rocky; larger boats are only able to come in at high spring tides. The Quay was the docking area for Dungloe Bay prior to the Pier being built in 1923.

**The Pond** - This is one of the only outdoor swimming pools on the Wild Atlantic Way and one of the few left in Ireland. The pond was originally built 1930 and has given decades of pleasure to generations of children and adults before falling into disrepair.

*This is just a flavour of the importance of our Dungloe Bay heritage.*

## **Heritage Today**

There has been an explosion of interest locally in heritage and history over the past 5-10 years. Local heritage groups have been set up and via facebook, the heritage of Dungloe and The Rosses is shared globally. The Rosses area has five main (and many smaller) facebook heritage pages - Lower Rosses, Upper Rosses, Arranmore, Burtonport, Cruit Island, with a combined membership of over 10,000.

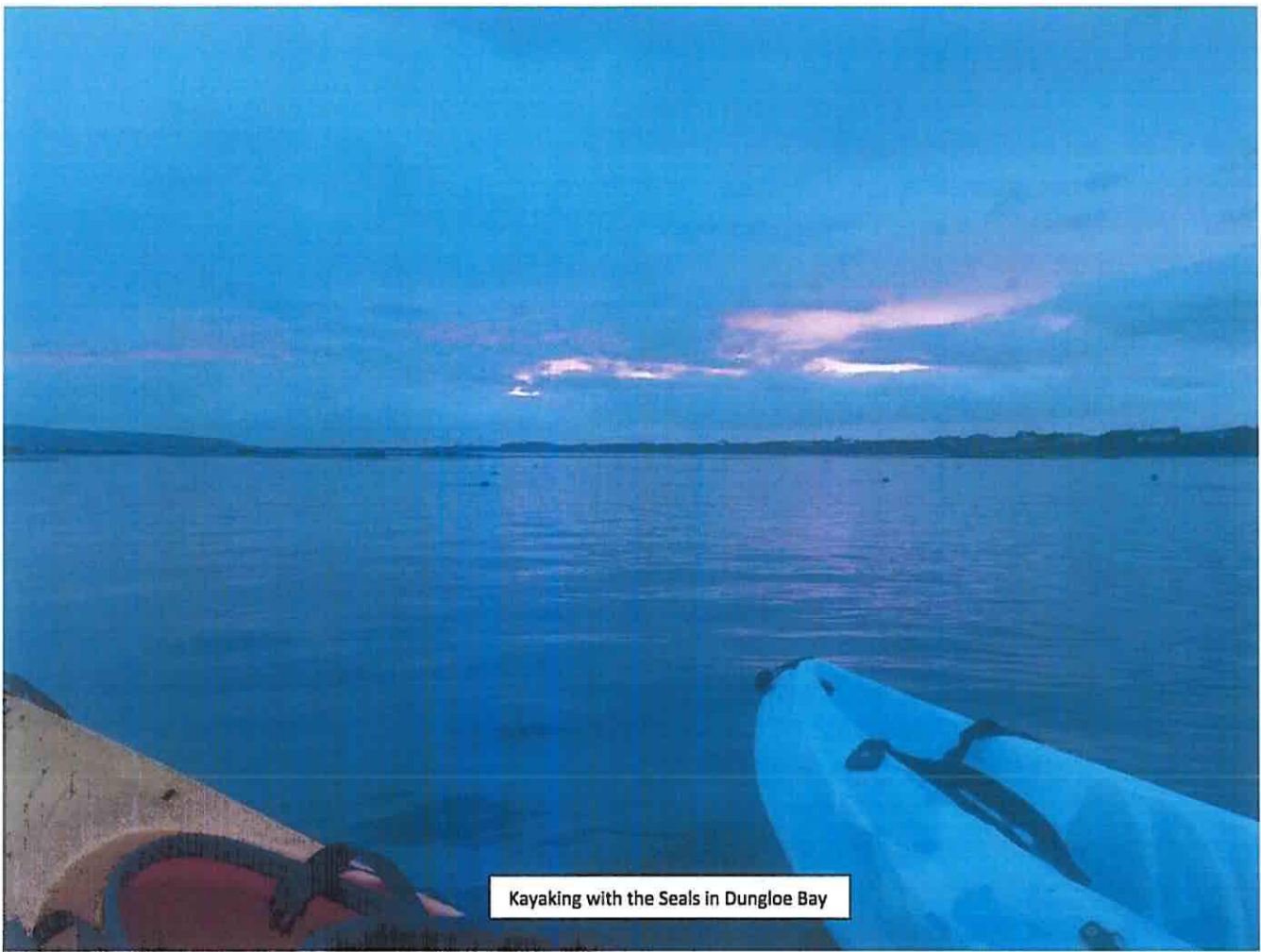
Numerous heritage walks take place in Dungloe and The Rosses throughout the year. The Mary from Dungloe International Arts Festival has 'Walk the Rosses' which includes guided historical walks including our villages, islands and Dungloe Town over the ten days of the festival.

The success of this event prompted the Tidy Towns Committee and heritage enthusiast to produce the 'Dungloe Heritage Trail' mentioned above which was launched just last week. See map attached.

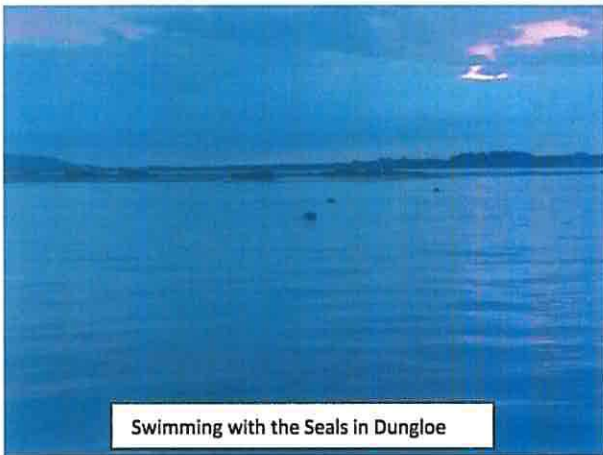
The area covered by the application for Dungloe Bay is very significant to the local heritage of the Rosses and Donegal. Much has still to be discovered. There is significant knowledge from both tradition, oral history and the limited historical investigations to see that these locations are utterly inappropriate for siting oyster and any other industrial shellfish farms.

Our community were unaware of this application and we query within this submission as to whether the process and legal requirements were followed for the applications. When and where were they open for public viewing?

In conclusion, our observations regarding the aforementioned application are set out and outlined herein for the due consideration of the Minister concerned.



Kayaking with the Seals in Dungloe Bay



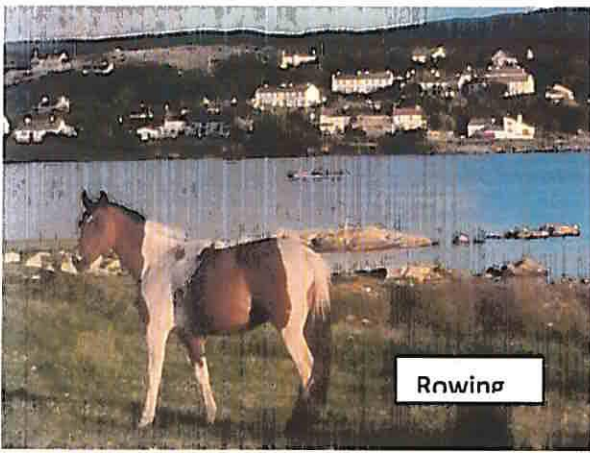
Swimming with the Seals in Dungloe



The Pier



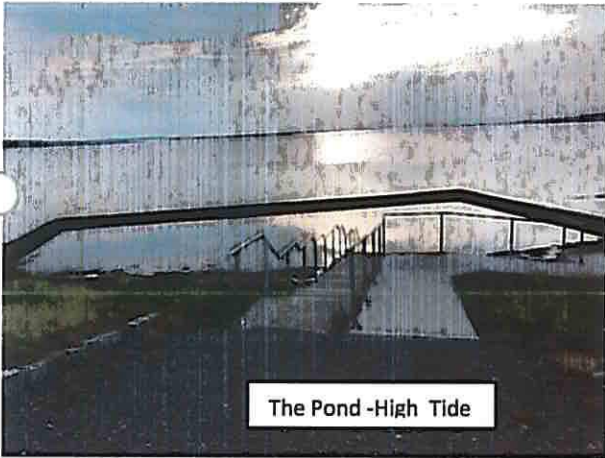
Kayaking to Insiellan Island



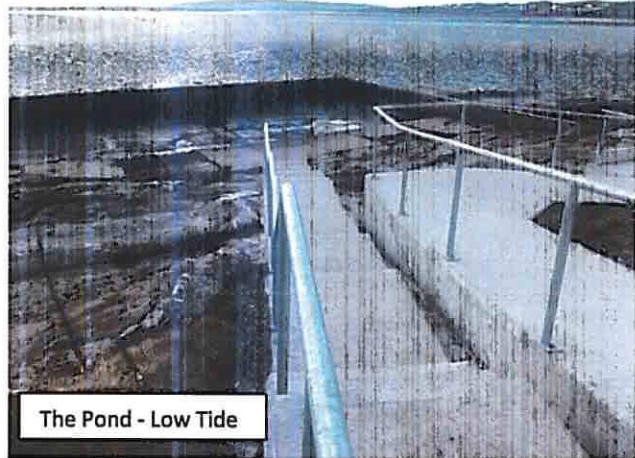
Rowing



The Pond



The Pond - High Tide



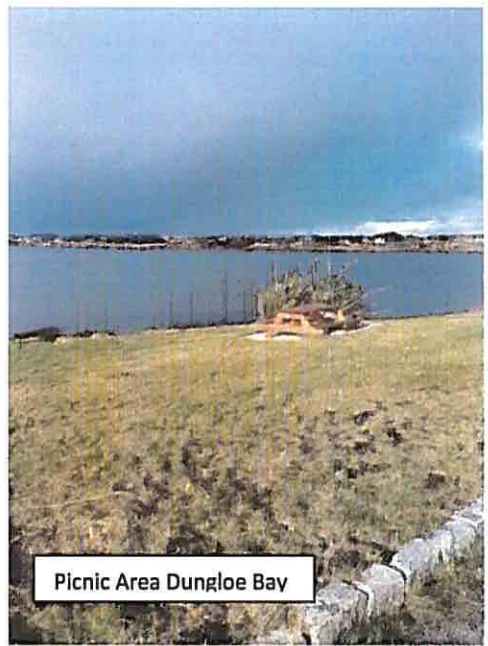
The Pond - Low Tide



Dungloe Bay Walk



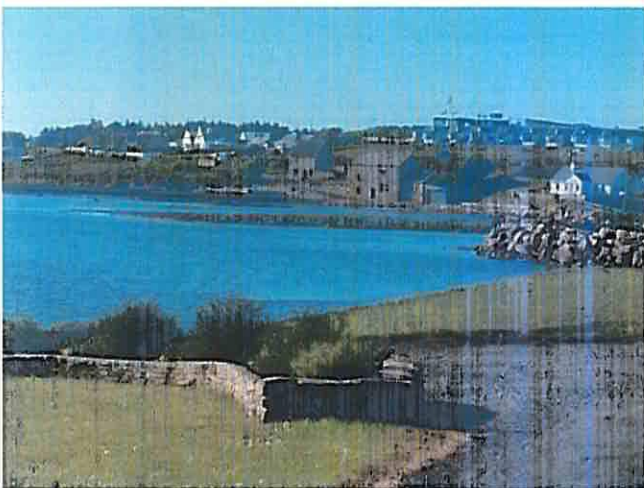
Dungloe Bay Walk

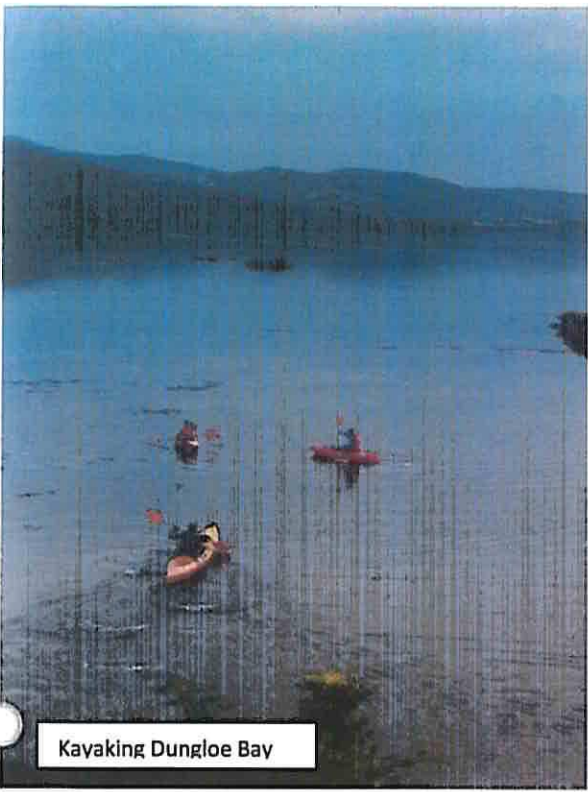


Picnic Area Dungloe Bay

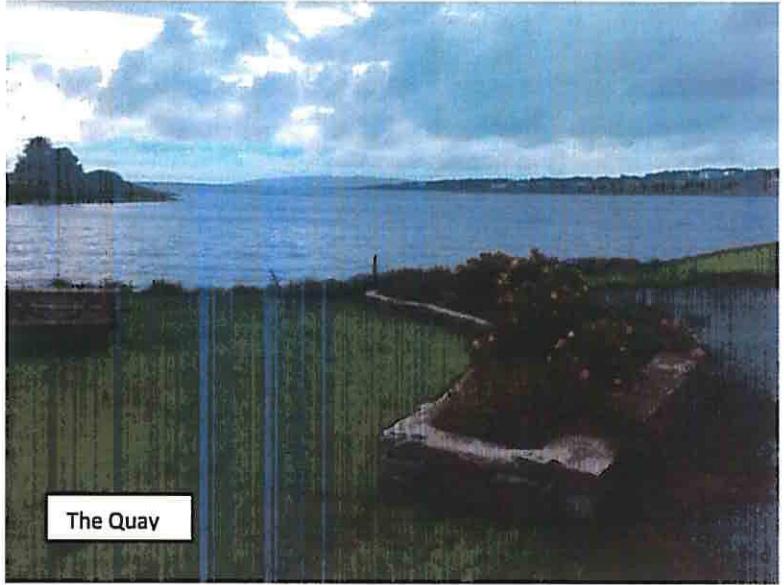


Picnic Area The Pond

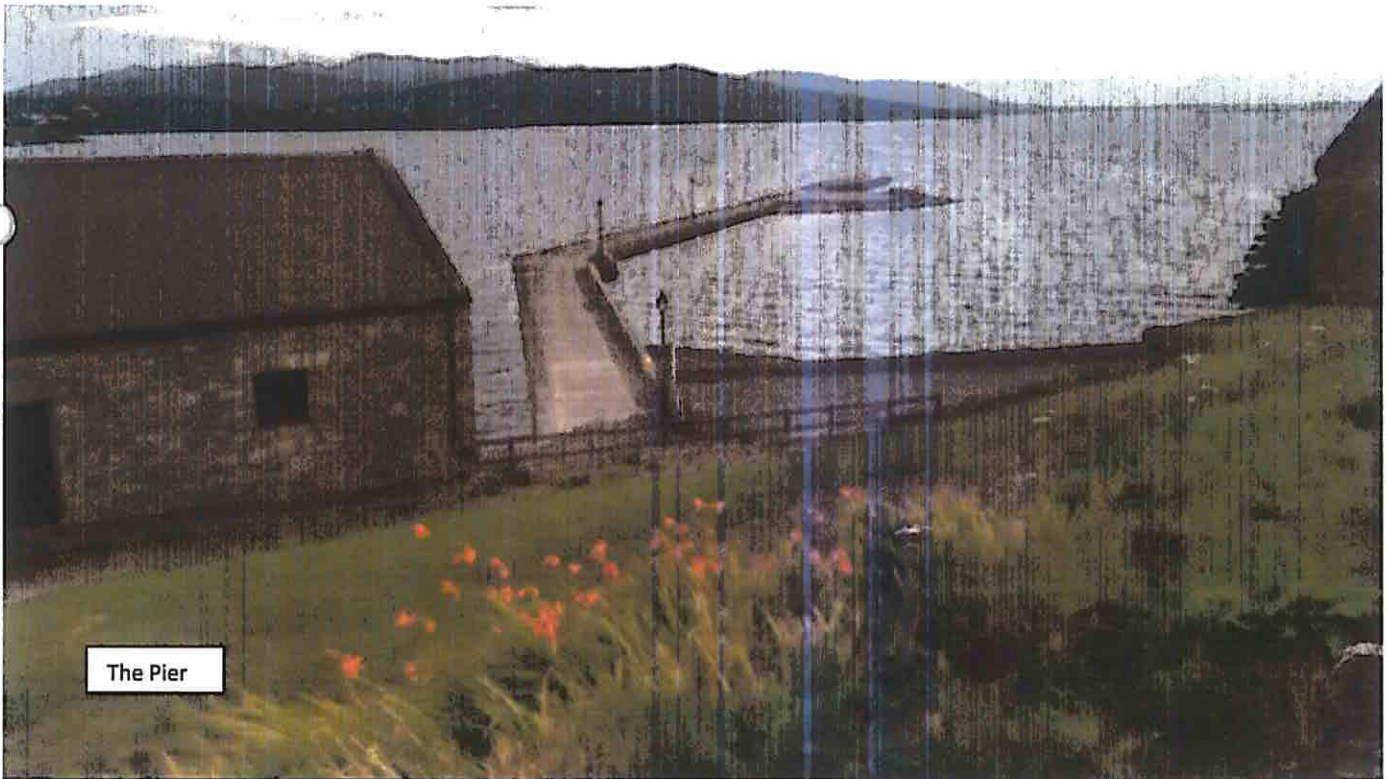




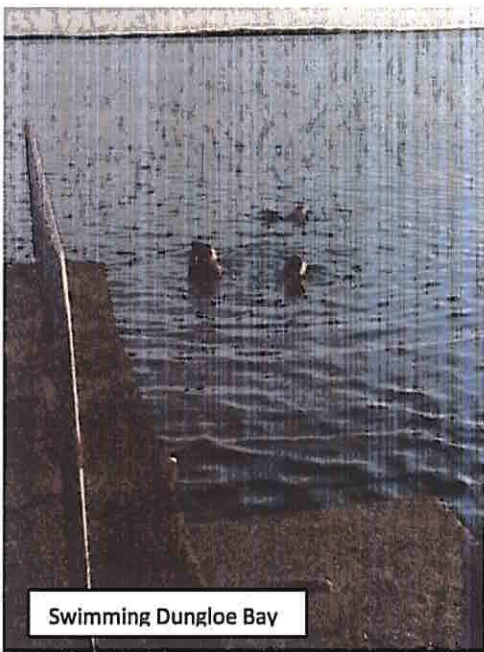
Kayaking Dungloe Bay



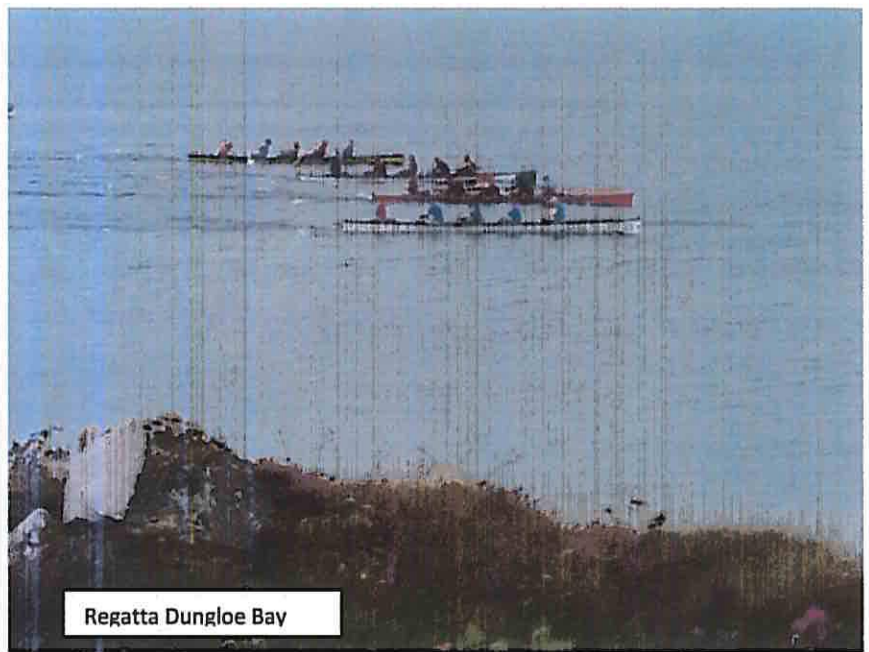
The Quay



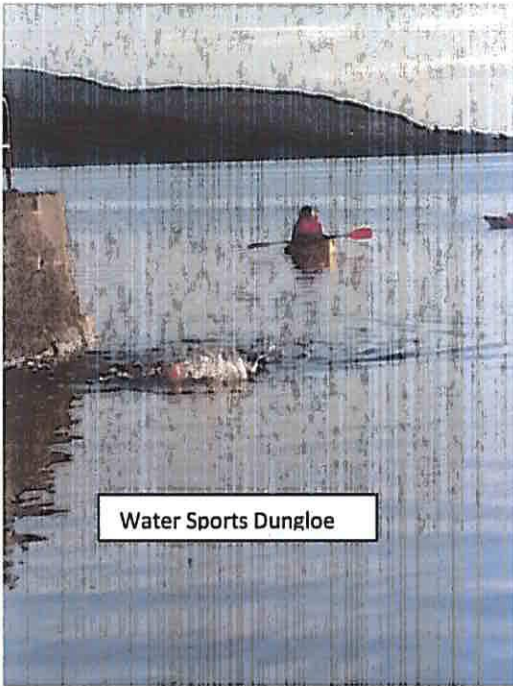
The Pier



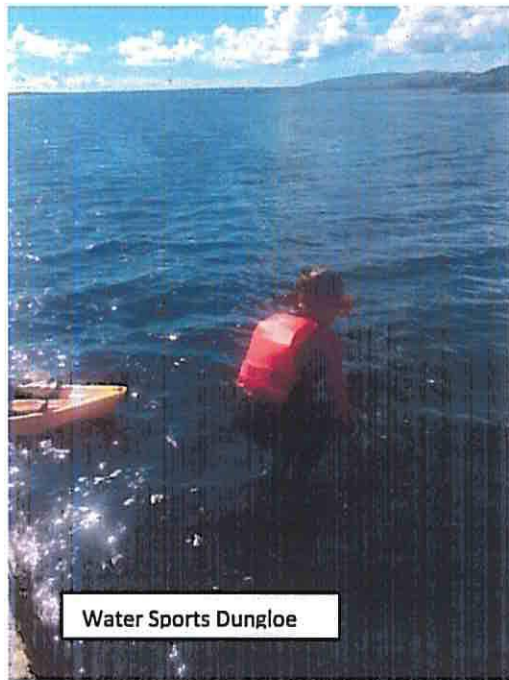
Swimming Dungloe Bay



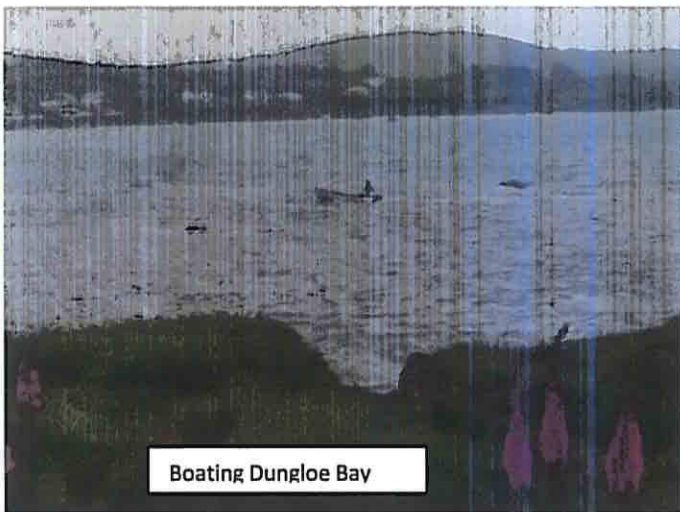
Regatta Dungloe Bay



Water Sports Dungloe



Water Sports Dungloe



Boating Dungloe Bay



**Dungloe Heritage Trail**  
Cosán Oidhreacht an Chlocháin Léith

**History**  
Dungloe is a small town in County Donegal, Ireland, situated on the shores of Lough Swilly. It has a rich history, with its name derived from the Gaelic 'Dunglo' (a fort) and 'Leith' (a bay or inlet). The town was founded in the 17th century by the Duke of Donegal, and it has since become a popular destination for tourists and locals alike. The Heritage Trail is a self-guided tour that takes visitors through the town's streets, highlighting its historical and cultural heritage.

**The Clachán Léith**  
The Clachán Léith is a small settlement located on the eastern shore of Lough Swilly. It is a beautiful area with a mix of traditional and modern buildings. The Clachán Léith is a popular destination for tourists and locals alike, offering a range of activities and attractions. The Clachán Léith is a beautiful area with a mix of traditional and modern buildings. The Clachán Léith is a popular destination for tourists and locals alike, offering a range of activities and attractions.

**Landmarks and Historical Sites:**

- 1. Dungloe Castle (17th Century)
- 2. The Old Jail (18th Century)
- 3. The Old Store (18th Century)
- 4. The Old Mill (18th Century)
- 5. The Old Church (18th Century)
- 6. The Old School (18th Century)
- 7. The Old House (18th Century)
- 8. The Old Shop (18th Century)
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- 100. The Old Church (18th Century)

**Tráigh Éanach**  
EST 2006

# TRÁIGHÉANACH Regatta

IN CONJUNCTION WITH **WATERFRONT HOTEL**

**SAT 8TH SEPT**  
**Coghadh na gClann CHARITY COMPETITION & MIXED RACES, DUNGLOE PIER AT 3.00PM**

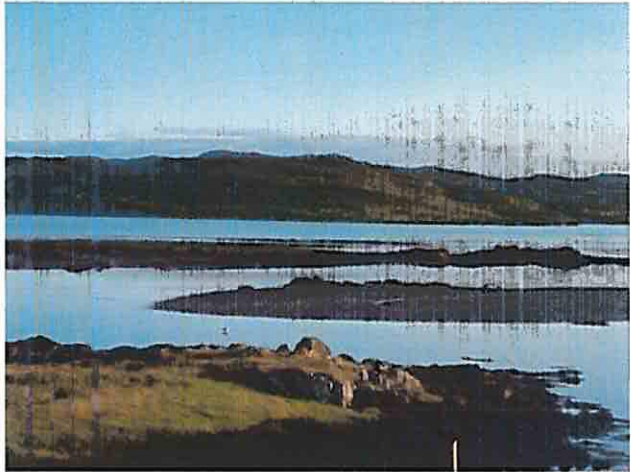
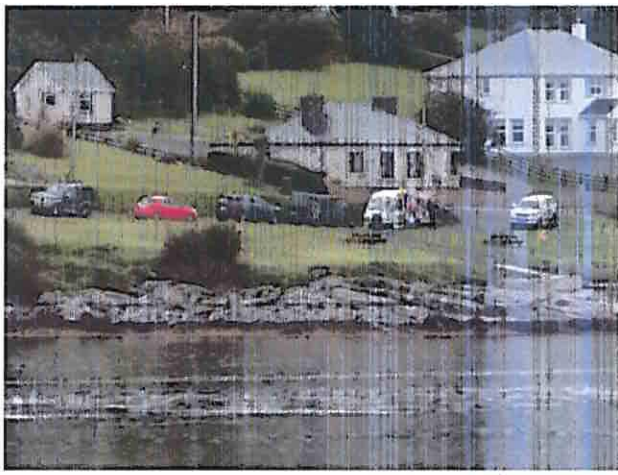
**SUN 9TH SEPT**  
**ISLAND RACE DUNGLOE PIER AT 3.30PM**

All Welcome to enjoy a tasty BBQ (Sun 9th) in the Waterfront Hotel 4.30pm-6.30pm (€10pp)

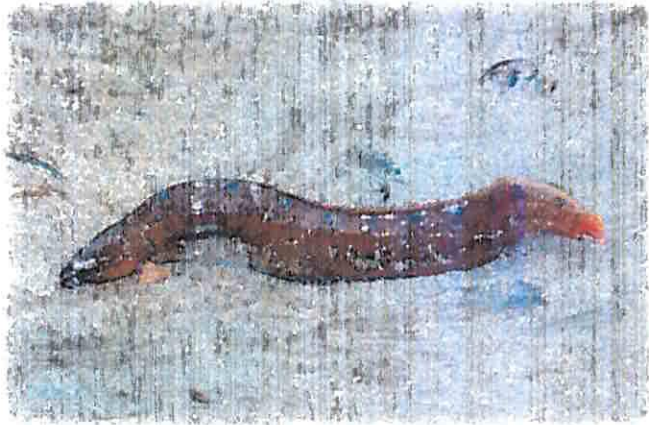
**Charity Cabaret in aid of RNLI & CancerCare West**  
Saturday 8th September in Waterfront Hotel Tickets €60pp

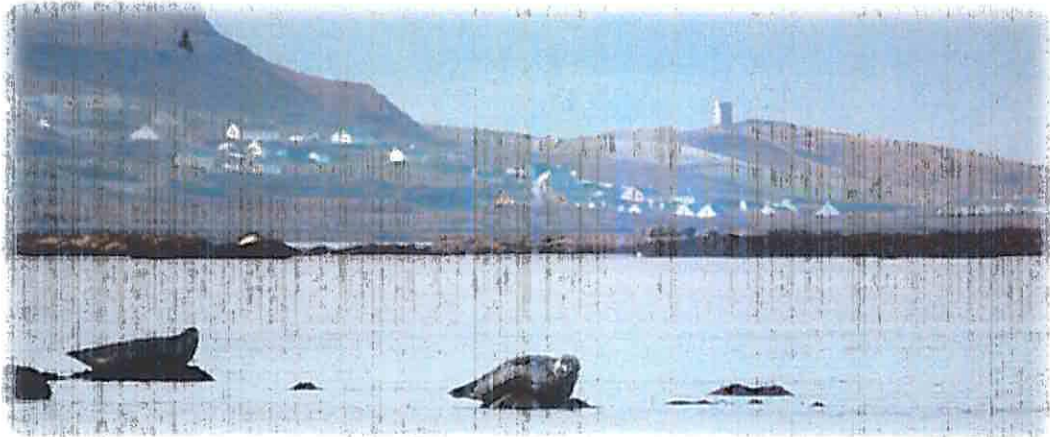
**INIS SPA & WELLNESS**

SEE FACEBOOK FOR MORE DETAILS



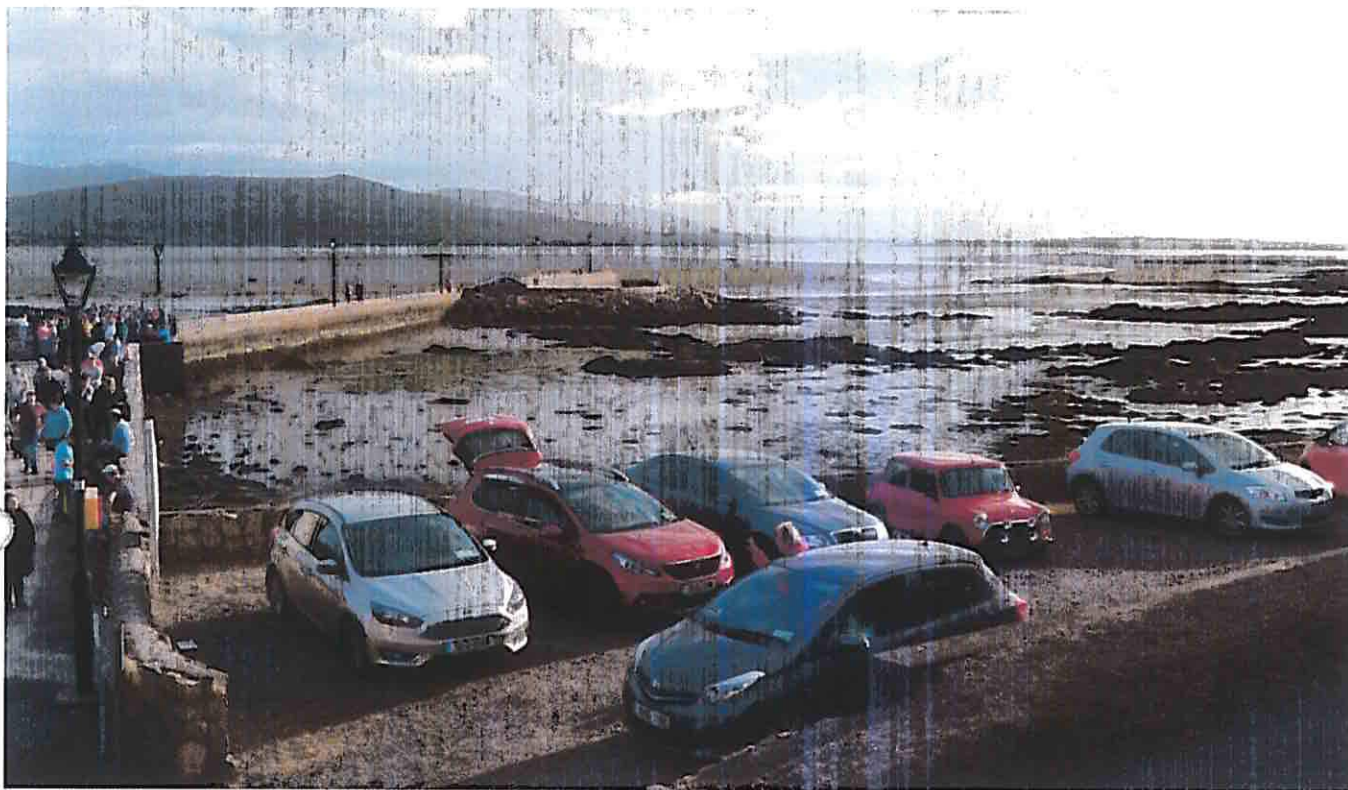
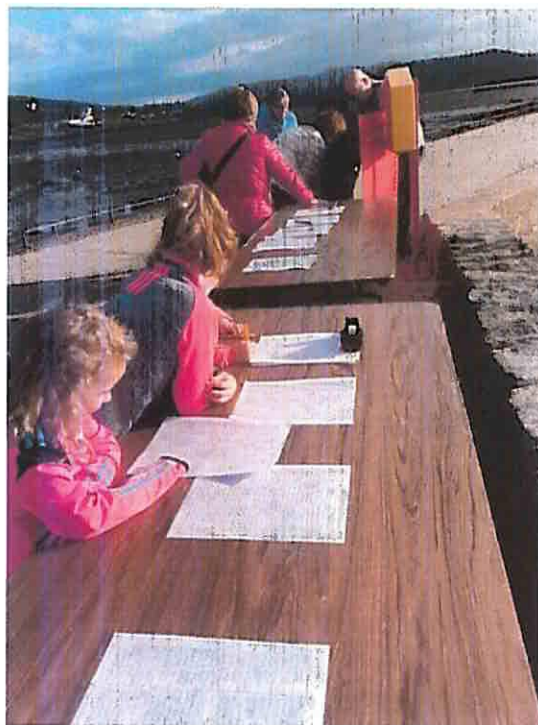
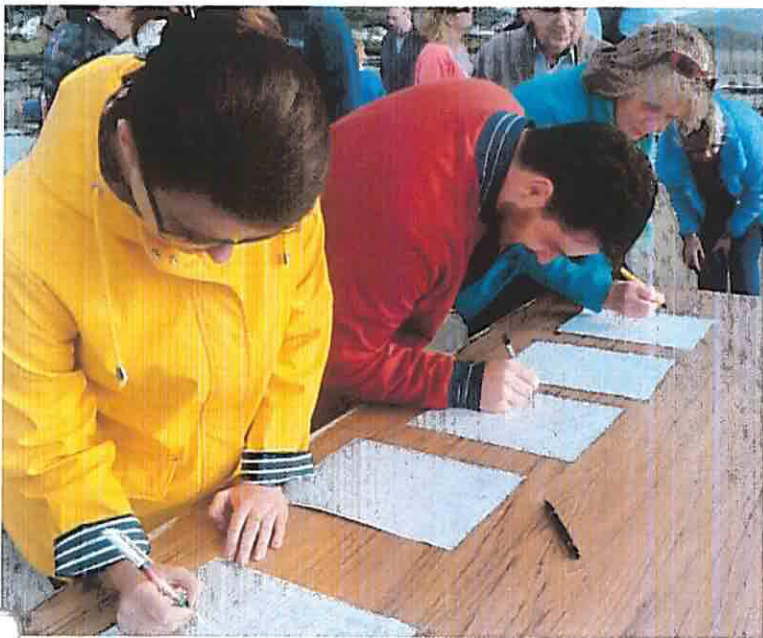


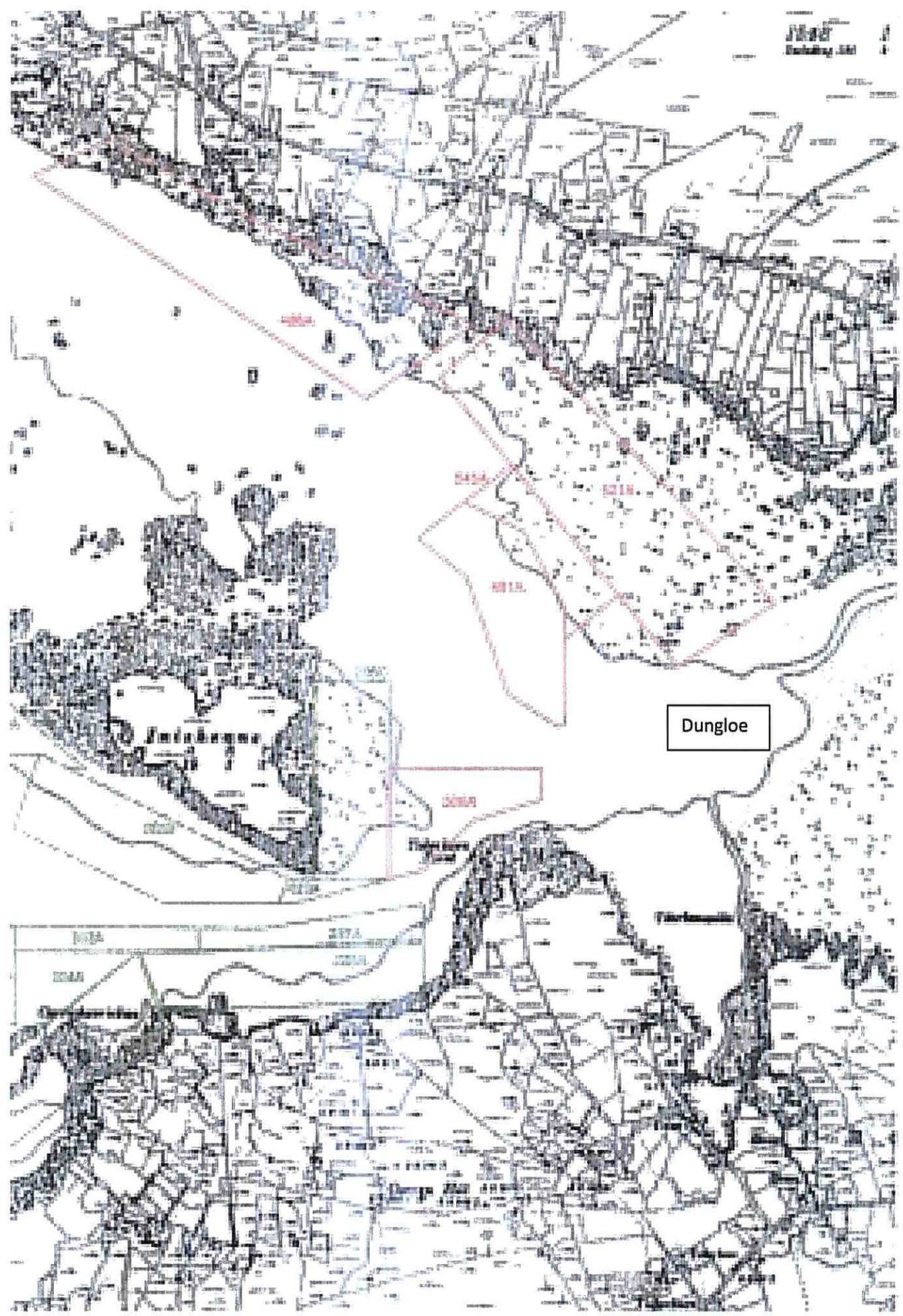




**Save Dungloe Bay - Petition Signing at The Pier - 7.30pm on 25/06/2019**







Dungloe

Dungloe

Dungloe

Dungloe

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Dungloe



## Invasive species

Aquaculture should not put the environment at risk from invasive species; instead native species should preferentially be cultivated. In this regard, of particular concern is the fast growing Gigas (Pacific) oyster (*Crassostrea gigas*), introduced to Ireland from the Pacific, and now the main cultivated oyster species here. The Pacific oyster was originally thought to be of no threat to European wildlife as it was believed it would not spawn in our cold waters. However, this proved incorrect and the Pacific oyster is now established as an invasive alien species in Lough Swilly, Lough Foyle and Strangford Lough. Despite this, the Pacific oyster continues to be used by aquaculture businesses in Ireland, and it is now establishing "self-sustaining feral populations" here. Will Dungloe Bay be the next major case study in years to come if this oyster farm gets approval????

Oysters need company for reproduction, especially *Ostrea edulis*, the European native with one flat shell, whose individuals change their sex from time to time. Clouds of male sperm need to find the gills of ripe females, and as overfishing thinned the chances of fertilisation, wild populations began to collapse. Techniques for management and cultivation took time to perfect, and even in the late 1900s only the oyster beds of Tralee Bay, Galway Bay and Clew Bay were producing a worthwhile return to local fishermen.

Then came the spread of parasites carrying disease. Most damaging was *Bonamia ostreae*, travelling to Europe from North America with stock of the new Pacific oyster *Crassostrea gigas* – fatter and juicier in its twin-cupped shells. Devastating the native oysters of Brittany and elsewhere in Europe, bonamiosis reached Cork and spread right up the west to Lough Swilly. By 2002, Ireland and the UK were the only countries outside of Spain and France to produce more than 200 tonnes of flat oysters a year.

Clarínbridge, Galways native oyster festival could still celebrate the start of the season with a feast of *Ostrea* grown in Galway Bay, and Ireland is part of a European research programme to solve the *Bonamia* problem and restore populations of the native mollusc.

Meanwhile, most of Europe's oyster production remains with the Pacific *C gigas*, of which Ireland produces 7,000 tonnes a year, worth about €20 million.

This species, indeed, was the saviour of the European industry, especially in France, where it has gone on to spawn naturally in many warm bays. When the Pacific oyster was brought to Ireland, in 1972, the state's shellfish laboratory at Carna, in Connemara, found it not to breed in Ireland's cooler waters. Oyster farms sprang up round the coast using imported spat.

That, of course, was before the warming of the seas took hold fully which has been documented in EPA and many Environmental reports. Even in the 1970s, Pacific oysters were forming stable and growing colonies away from the oyster farms of Brittany. Farther north, in the shallow Wadden Sea (at the southeast of the North Sea), their spread has concerned conservationists in Germany, the Netherlands and Denmark, for whom it is "one of the most spectacular biological invasions in this ecosystem". Smothering the mussel beds on the huge tidal flats of the Wadden, the oysters threaten the food of great flocks of eider ducks and other migrant birds.

The unexpected reproduction of the Pacific oyster could make ecological problems for Ireland, too. This made it a ready candidate for Simbiosys, a major, wide-ranging investigation of "sectoral impacts on biodiversity and ecosystem services" for the EPA, led by Prof Jane Stout of Trinity College Dublin. Aquaculture was among them, along with roadside landscaping, energy crops and windfarms, and the final report is now downloadable from the EPA.

The aquaculture research team led by Tasman Crowe of University College Dublin found self-sustaining populations of “feral” Pacific oysters at 18 locations, most densely in Lough Swilly and Lough Foyle (up to nine per square metre), but also in the Shannon Estuary and Galway Bay. They have often formed up to 500m from oyster farms, almost always settling on mussel beds or other hard surfaces. Covering the tops of boulders, they greatly inhibit the growth of reefs built by the honeycomb worm, *Sabellaria alveolata*. These reefs serve a rich mix of other marine life and are protected around Ireland by the EU habitats directive.

Some documented tests and experiments in Lough Foyle and Lough Swilly found the feral oysters self-sustaining and genetically independent from existing oyster farms. Allowed to spread, they can take up an estuary’s carrying capacity completely, changing its biodiversity, phytoplankton and food webs. Although they are harvested in some areas, they need urgent action to clear them, says the Symbiosys report, before dense reefs of uneconomic twisted shells are formed this could also become this case in Dungloe Bay Oyster farms, meanwhile, should be growing triploid oysters, which do not reproduce and also grow faster.

What was so wrong, I wonder, with our pristine bays and estuaries in the time before people began fishing oysters, and our native *Ostrea edulis* were building reefs all of their own, loaded with mussels, sponges and seaweeds and teeming with baby fish? Carpets of oysters could even have been kept the bays free of today’s harmful algal blooms.

<https://www.ouroceanwealth.ie>

**Shellfish and Fish Health Monitoring** The monitoring of fish and shellfish health on Irish aquaculture farms is required under the Fish Health Directive, and is a licensing condition governing all aquaculture farms in the State. In 2018, the Fish Health Unit of the Marine Institute, the National Reference Laboratory, investigated 21 reports of abnormal mortality events affecting Pacific oysters compared with 14 in 2017. These mortality events were principally associated with the presence of either the bacterial pathogen *Vibrio aestuarianus* or with the ostreid herpes virus-1  $\mu$ var (OsHV-1  $\mu$ var). The reason for the increase in mortality reports in 2018 remains unclear but may be associated with environmental conditions and the increased water temperatures associated with the summer of 2018.

**Invasive Alien Species (IAS)** The project involves a series of targeted field studies that will encompass a range of coastal environments and locations at a national scale, including a number of candidate sentinel locations that have shown high risk of introduction in conjunction with recognised IAS pathways and vectors. A focused eDNA study will monitor the occurrence and spread of the invasive species *Didemnum vexillum*, a non-native invasive ascidian. It is believed to have originated in Japan, but now has an established population in Irish waters. It impacts on shellfish culture and fisheries, and causes fouling of marine structures and shipping infrastructure. The project will also develop experiments to monitor the interactions and potential impacts of non-native Pacific oysters (*M. gigas*) and native oysters (*O. edulis*). The Pacific oyster is cultivated in dedicated aquaculture sites, but it has also shown evidence of establishment in natural habitats with feral populations detected in a number of Irish coastal areas. It can compete with the native species for settlement area and is a possible vector for disease and parasites.

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Under the EU Water Framework Directive, the Pacific oyster has been put on to the ‘red list’ as a species that would prevent a water body from meeting good quality designation.

The Water Framework Directive (WFD) is a major new legislative driver to ensure waters of good ecological status are achieved in all river basin and inshore coastal waters. The WFD also includes a non-native listing of ‘high impact’ species which has recently been reviewed and now includes the Pacific oyster. There is significant concern that the Pacific oyster will compromise WFD objectives to achieve good ecological status.

Invasive alien species e.g. Pacific oysters are now recognised as a significant threat, as they can disrupt habitats, displace native species and introduce disease (e.g. the oyster parasite *Bonamia ostreae*). These oysters cannot be allowed in Inner Dungloe Bay.

### **Food Safety Concerns:**

As previously outlined in this appeal there is the WWTP discharge, the River, Lwat33 discharge licence, and a huge number of point source discharges from domestic sewage outfalls distributed along Dungloe Bay which are not connected to the WWTP. Sewage can get into the bay in several different ways: for example, through leaky septic systems, faulty waste-water treatment plants or even people using the bay for recreational activities who use the sea as their toilet. Raw sewage entering the waters creates huge potential for food safety.

The population for Dungloe could treble overnights on i.e. the 12<sup>th</sup> of July, a summer weekend, the 10 day Mary from Dungloe International Festival, Easter weekend, St. Patrick's weekend, The Rossses Walking Festival, Halloween, Christmas & New Year, however the biota breaking down sewage in the treatment systems do not increase as fast. The raised levels of bacteria and viruses from treatment plants can impact on receiving residues in Dungloe Bay. Thus, can impact on receiving environments and human health as well as the food safety in production of the oysters.

Norovirus in Oysters - Norovirus is commonly found in sewage-contaminated waters. As other bivalves, oysters feed by filtering large amount of water through their gills; therefore they are susceptible to contamination if grown in contaminated water. Norovirus binds to oyster tissue within the gut and could concentrate up to 99 times compared to the surrounding water. It is difficult to remove norovirus from oysters through cleansing. Depuration is often ineffective. Therefore, consuming raw and partially cooked oysters is of high risk for infection.

<https://www.cfs.gov.hk>

We would also raise the issue that Dungloe Town has been in existence since c.1760 (260 years). The high level of raw sewage going into the bay over many years causes significant levels of contaminants in the sea bed and the bay that will bioaccumulate in the tissue of the oysters. It is left on the fatty part of the oyster which in turn causes a high risk of infection. This raises a Food Safety Concerns for the product.

Agriculture – Dungloe River flowing into The Inner Dungloe Bay services eight lakes – Adreen, Salagh, Loughfad, Loughnamuck, Cushkeeragh, Meenlecknalore, Crahy and Dungloe. The Tubberkeen Lake runs into the bay near Tubberkeen pier. There is approximately 3km<sup>2</sup> of agricultural lands running into the bay. These are mainly sheep and cattle but also a large number of horses and donkeys.

Diffuse pollution from agriculture is particularly difficult to control. Pollution from land is mainly in the form of nutrients, sediments, heavy metals, hormones, pesticides, pathogens and other chemical compounds which will affect the food safety of oysters if produced commercially in this area. Residues from pesticides, fertilisers and sewage discharges to the bay and enter the food chain through organisms feeding and concentrating the pollutants in their bodies. The heavy metals and environmental contaminants in the bay also cause food safety concerns.

During low flow periods, the impact of point source discharges is enhanced in the downstream current reaches below such discharges due to lower levels of dilution, this being particularly noticeable during the growing season. In contrast, the impact of diffuse discharges such as agricultural run off from fields or farmyards, for example, will tend to be greater during wetter periods. Flood events such as high seas and heavy rainfall result in land being submerged locally by the sea and also a wash-off and leaching of pollutants, especially from more highly fertilized soils causing increased phosphorus concentrations in the designated special area of conservation during flooding events and high storm conditions which are frequent in Dungloe.

This is particularly problematic if such floods occur during the growing season as eutrophication can result in negative issues in this case. For example: The eutrophication of farmland following a major rainfall event/storm during the spring months would be an example of this effect. The increased loading that results during flood events can deliver large quantities of nutrients to the coastal waters which in turn may negatively affect marine life and botany in this area.

Metals such as Mercury, copper, lead and zinc are known to have direct and indirect impacts on human health. Extended exposure or exposure at high levels can have serious consequences for humans as these metals tend to

bioaccumulate in tissues (UNEPGEMS2007). Mercury is largely a by product of fuel combustion, tractor usage on this bay on a regular basis to harvest oysters and waste incineration is highly toxic and could impact greatly on Dungloe. Since fish bioaccumulate metals, they can contain high concentrations of mercury and expose people to concentrations sometimes tens of thousands of times higher than that found in the water source, posing a serious threat to human health WHO2005).

High concentrations of nutrients can pose serious risks to human health. The potential health effects of nitrates are numerous and include methemoglobinemia, cancers, thyroid disruption's and birth defects. This run off from farming activities could have a storage feature by the filter feeder oysters keeping the pollution concentrated in the Inner Dungloe Bay.

The use of insecticides used for sheep dipping by our farmers could have a negative impact on these proposed oyster beds.

Pressures on coastal waters can be trapped in the sheltered bays and enter the food chain through oyster feeding and concentrating the pollutants in their bodies.

### **Air Pollution**

Air pollution in Ireland is regarded as the highest in Europe particularly in remote western locations such as Dungloe Bay. Existing air quality sources in the area would need to be documented, such as major/minor road, quarries, agriculture and industry, current pollution issues. The receptors should not only include residential dwellings but also particularly sensitive receptors such as schools, flora, fauna and our seals.

The main source of potential air pollution from fugitive dust emissions is during the construction phase in the proposed oyster farms. As such, the potential of dust impacts from construction activity. An air pollution risk assessment should be carried out to determine the potential impact of construction dust on the local environment and the risk assessment should be used to devise a mitigation scheme for the construction phase that does not damage this special are of conservation.

A series of industry standard dust mitigation measures that may be employed to mitigate dust to local receptors (as above) will need to be provided to conform with the Irish and EU legislation for these oyster farms.

### **Noise Pollution**

Measurement locations i.e. nearest residence, seal moulting sites, should have been chosen to be representative of the general area to into account possible noise pollution of tractors and associated vehicles / equipment, for use on harvesting the oyster beds. Traffic noise will increase significantly above background levels (residents/tourists) during al phases of the project. Traffic surveys should have been carried out as part of the traffic and transport assessment of the site. From the access and safety aspect, mitigation is not possible due to the applicant not having any direct access without the usage of public roads for transportation of oysters.

### **Note:**

These oyster farms create an Anoxic Layer on the sea bed which will greatly affect the ecosystem, flora and fauna, currently in the bay.

The stocking density of these and the existing oyster farms is going to be much too big for the bay and will have a negative effect on its current ecosystem.

## Donegal

### 1) Dungloe Bay

The Minister has considered and determined that an Environmental Impact Statement is not required in respect of each of 3 individual aquaculture licence applications in Dungloe Bay, Co. Donegal. [Ministerial Determination in relation to EIS requirements for Shellfish Aquaculture Licensing in Dungloe Bay](#) (pdf 270Kb)

The 3 individual aquaculture licence application are:

Table for submission of EIAs

Ref. No.'s	Site	Applicants Location: Dungloe Bay, Co. Donegal
T12/422A		Ostre'an Limited
T12/423A		Ostre'an Limited
T12/424A		Ostre'an Limited

I have considered each of the proposed aquaculture activities, individually, as listed in the attached table and determined that they are not likely to have significant effects on the environment and that an EIS is not required in relation to the applications listed therein for the reasons outlined below.

### REASONS AND CONSIDERATIONS

I had regard to the provisions of:

- i. Regulation 5 of the Aquaculture (Licence Application) Regulations, 1998;
- ii. EIA Directives (codified by Council Directive 2011/92/EU);
- iii. The criteria specified in Annex III of Directive 2011/92/EU
- iv. The guidance contained in the European Commission document entitled "Guidance on EIA, Screening" June 2001

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

- a) the nature and scale of the proposed aquaculture activity
- b) the limited magnitude and extent of the direct impacts arising from the proposed aquaculture activity
- c) the absence of any protected structures or recorded monuments in the area of the proposed aquaculture activity
- d) the low population density of the surrounding area
- e) the low visual impact of the proposed aquaculture activity
- f) the non-use of toxic or hazardous substances as part of the proposed aquaculture activity
  
- g) the minor risk of accidents occurring as result of the proposed aquaculture activity
- h) the low risk of impacts on navigational safety
- i) the minimal impact on recreational use of the adjoining foreshore

The Minister has made a decision based on the above that an EIS is not required for only 3 applications in Dungloe Bay. Why was the decision taken that the other applications in Dungloe Bay did not require an EIS? We believe that an EIS is required for the applications proposed in Inner Dungloe Bay considering:

- a) The nature and scale of the proposed aquaculture activity – these are substantial aquaculture activities in the Inner Dungloe Bay taken individually. However, if assessed on the scale of all proposed together is more than a substantial area of Inner Dungloe Bay.
- b) The magnitude and extent of the direct impacts arising from the proposed aquaculture activity. There are huge direct impacts to the environment, our community, our tourism etc. as outlined in our appeal.
- c) By conducting a desk study, you may not find protected structures or recorded monuments in Dungloe. However, we consider The Piers, The Mill, The Quay, The Pond and many other structures will be recorded in the near future. Donegal County Council are currently putting much effort into compiling up to date information on our heritage. **County Donegal Development Plan** states its aim is to conserve and protect the County's archaeological heritage for present and future generations while encouraging appreciation and enjoyment of these valuable, non-renewable, cultural resources through sustainable management, sensitive enhancement and appropriate development. The Council recognises the cultural and historic importance of the County's archaeological heritage. Respect the socio-cultural authenticity of the host communities, conserve their built and living cultural heritage and traditional values, and contribute to inter-cultural understanding and tolerance.  
Dungloe Bay was very important in terms of the religious, economic and social history of Dungloe and surrounding areas. The bay allowed for delivery of many supplies to the area by boat prior to road or rail transportation. The bay was and continues to be intensively used by local people and there has been no large-scale archaeological excavation here whatsoever, however there is a wealth of recorded and oral history to give a vibrant picture of just how important this bay was in prehistory, in recorded history and in more recent times. The granting of this licence will destroy our ability to carry out archaeological excavations and other studies to fully understand the heritage in our bay.
- d) The high population density of the surrounding area. Dungloe Town, Meenmore, Tubberkeen, Cnocknageeragh are all densely populated and overlook Inner Dungloe Bay.
- e) The granting of this licence has a huge visual impact as outlined previously in our appeal. Wild Atlantic Way, Especially High Scenic Amenity Area, High Scenic Amenity Area, from our homes and businesses and all our roads.
- f) The use of toxic and hazardous substances by the machinery i.e. tractors both during construction and operation of the development.
- g) The high risk of accidents occurring with the introduction of Oyster trestles and all the associated with them in a recreation area. We have outlined all that we use the bay for in our appeal eg. Swimming, snorkelling, boating, fishing. The risk of oyster trestles and bags getting dislodged in this open bay in high seas is high. These will pose a great risk all around our bay.
- h) The risks of impacts on navigational safety has been seen to have been an issue with Donegal County Council. The impacts on sea fishing vessels, recreational activities and especially the emergency services RNLI should have been assessed.
- i) The huge impact on recreational use of the adjoining foreshore is addressed in our appeal.

We do not understand why an Appropriate Assessment has been considered sufficient for these applications in Inner Dungloe Bay.

The purpose of an EIS is to determine the potential environmental, social and health effects of a proposed development. In the case of these applications it would have addressed the following:

**Human Activity** – Economic activity, social patterns, land use, employment, health and safety, settlement patterns.

**Fauna** – Habitats, breeding/feeding/roosting area, routes, mammals/birds/fish/insects/reptiles, population stability/management, critical resources, protection status.

**Flora** – Communities, terrestrial/aquatic/marine, seasonality, succession, existing management, habitats requirements, protection status.

**Soils** – Mineral soils, peats/fens, estuarine sediments, agricultural capability, engineering characteristics, geology (including bedrock deposits, faulting, weathering and chemical characteristics), aquifers.

**Water** – Ground/surface/estuarine/marine., physical, chemical, biotic, beneficial uses.

**Air Quality** – Pollutants, suspended particulates, odour, noise, vibration, radiation.

**Climate Factors** – Acid rain, CFCS, Thermal pollution, marram grass & erosion coastal issues, climate change, pollution transport.

**Landscape Character** – Landscape context, historical landscapes, man-made landscapes.

**Material Assets** – Archaeological heritage, folklore/tradition/history, Architecture/settlements, monuments/features, designed landscape, natural resources of Economic Value, visual aspects, tourism.

Aquaculture's environmental impacts are regulated under a range of EU legal requirements that address broader issues including water quality, biodiversity protection and sustainable development and planning.

The Marine Strategy Framework Directive (MSFD) requires EU Member States to achieve 'Good Environmental Status' for their marine waters by 2020. Thus, national aquaculture strategies must ensure that aquaculture does not have negative impacts in terms of **non-indigenous species, eutrophication, seafloor integrity, concentrations of contaminants** (both in the water generally and in seafood specifically), **populations of commercial fish or marine litter**.

The Water Framework Directive (WFD) addresses pollution and biodiversity concerns in inland, coastal and transitional waters (eg. Estuaries and fjords). It requires Member States to attain 'Good ecological status' and good chemical status' in Dungloe Bay.

The Appropriate Assessment in the case of these aquaculture licence application does not give definite conclusions or evidence as required to ensure they comply with Donegal County Development Plan, National and EU regulations and laws.

