



Conor Reid,
Donegal Oceandeeep Oysters Ltd,
Rossylongan,
Donegal Town,
Co. Donegal.

10 October 2019

Our Ref: T12/397A, T12/397B, & T12/397C

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

Dear Mr. Reid,

I wish to inform you that the Minister For Agriculture, Food and the Marine has refused the granting of your application for Aquaculture Licences and accompanying Foreshore Licences, for the cultivation of Pacific Oysters (*Crassostrea Gigas*) using bags and trestles in Loughros Mór Bay, Co. Donegal on Site References T12/397A, T12/397B, & T12/397C (see attached information note). I enclose a copy of the public notice of the decision which **the Department** has arranged to have published in "The Donegal Democrat".

Any person aggrieved by the decision may, in accordance with Section 41 of the Fisheries (Amendment) Act 1997, appeal against it in writing to the Aquaculture Licences Appeals Board. This appeal must be lodged within one month beginning on the date of the publication of the decision.

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

Yours Sincerely,

Evan Kelleher
Executive Officer
Aquaculture & Foreshore Management Division



**S.12 (3) OF THE FISHERIES (AMENDMENT) ACT, 1997(NO.23)
INFORMATION NOTE TO APPLICANT FOR THE PURPOSE OF REGULATION 18 OF THE
AQUACULTURE (LICENCE APPLICATION) REGULATIONS 1998**

REFERENCE NO: T12/397A, T12/397B, & T12/397C

APPLICANT: Donegal Oceandeep Oysters Ltd.

**AQUACULTURE TO WHICH
DECISION RELATES:** Pacific Oysters (*Crassostrea Gigas*) using bags and
trestles in Loughros Mór Bay, Co. Donegal on Site
References **T12/397A, T12/397B, & T12/397C**

NATURE OF DECISION: Refusal of Licences.

DATE OF DECISION: 10 October 2019

REASON FOR REFUSAL:

The Minister for Agriculture, Food and the Marine has determined that it is not in the public interest to grant Aquaculture/Foreshore Licences for these sites. 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 refuse the Licences sought: -

- The proposed sites are unsuitable for aquaculture for reasons including the high elevation of the sites, excessive depth, water quality concerns, potential channel obstruction, access issues and impacts on morphology of the bay;
- The high elevation of the proposed sites relative to the bay would result in poor growth and survival conditions for the oysters. This is due to long exposure times of the oyster stock to the air when the tide goes out. The oysters would be uncovered for a considerable period of time per tide cycle leading to food safety concerns and high mortality rates;
- 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;

- Possible scenic impacts from the proposed aquaculture are considered low to moderate. Views may be affected from the Wild Atlantic Way;
- Parts of the proposed sites extend into the low water channels of the bay, potentially impeding salmonid migration upstream for spawning;
- Potential for impact on the salmon draft fishery due to nets getting caught on trestles;
- The access to Site T12/397C is unreachable via the proposed route due to the presence of a low water channel in the centre of the bay;
- The mobility of the substrate in this part of the bay could have implications for the stability of aquaculture structures if placed in this area;
- Potential impacts on navigation in the bay and access to St. John's Pier would be impeded by the presence of trestles in the low water channel and at various tides due to the effective spanning of the entire bay by the proposed sites;
- Potential disturbance to the area due to the scale of operations changing the morphology of the bay;
- Public access to recreational and marine leisure activities may be hindered by this project;
- 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;
- Taking account of the issues raised during the public and statutory consultation phase."



**Extract from Copy of Public Notice to be inserted
in 'The Donegal Democrat'
by the Department**

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

The Minister for Agriculture, Food and the Marine has decided to refuse Aquaculture and Foreshore Licences to:

File Reference	Applicant	Minister's Decision	Species, Location, No. of Sites and Site Reference
██████████ ██████████	████████████████████ ██████████	██████████	████████████████████ ████████████████████ ████████████████████ ████████████████████
T12/397A, B & C	Donegal Oceandeeep Oysters Ltd., Rossylongan, Donegal Town, Co. Donegal.	Refuse	Pacific Oysters using bags and trestles in Loughros Mór Bay, Ardara, Co. Donegal – 3 sites: T12/397A,B & C
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The reasons for these decisions are set out on the Department's website at:

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

An appeal against the Aquaculture Licence decision may be made in writing, within one month of the date of its publication, to THE AQUACULTURE LICENCES APPEALS BOARD, Kilminchy Court, Portlaoise, Co. Laois, by completing the Notice of Appeal Application Form available from the Board, phone 057 86 31912, e-mail info@alab.ie or website at <http://www.alab.ie/>

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



FORESHORE ACT, 1933
NOTICE OF DECISION TO REFUSE FORESHORE LICENCES

The Minister for Agriculture, Food and the Marine has decided to refuse Foreshore Licences to:

File Reference	Applicant	Minister's Decision	Species, Location, No. of Sites and Site Reference
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
T12/397A, B & C	Donegal Oceandeeep Oysters Ltd., Rossylongan, Donegal Town, Co. Donegal.	Refuse	Pacific Oysters using bags and trestles in Loughros Mór Bay, Ardara, Co. Donegal – 3 sites: T12/397A,B & C
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

to carry out Aquaculture on areas of foreshore in Loughros Mór Bay, Ardara, Co. Donegal. The reasons for these decisions are set out on the Department's website at:

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

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

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