

Kelleher, Evan

From: Liz M OBrien [LizM.OBrien@housing.gov.ie]
Sent: 11 September 2018 12:07
To: OMahony, Jane
Subject: Aquaculture applications in Loughros Bay
Attachments: ATT00001.txt; ATT00002.htm

Hi Jane,

Please see the response from the Department's Water Services Adviser in relation to the aquaculture licence applications referred to below.

These new applications are as follows (all site details locations/areas are shown on the maps accompanying each application within the database website referred to)

[REDACTED]
T12/405 Oysters Site T12/405A (34.3Ha)

From the maps provided it is noted that some of the proposed sites are in close proximity to Ardara village and may be influenced by Waste Water Discharges from this region. This Bay is not designated as a Shellfish Growing Water under the Shellfish Waters Regulations

The Applicants should demonstrate (by monitoring) that this area is a suitable shellfish growing area from a water quality and shellfish health perspective in view of its close proximity to the shoreline near Ardara and the potential impact from Waste Water Discharges from that region and a decision on these application should not be made until the results of this monitoring are received and evaluated.

DAFM would need to be satisfied that these areas are suitable shellfish growing areas from a water quality and shellfish health perspective

This is however without prejudice to any views that the NPWS may have from a nature conservation/ecological perspective.

PJ Shaw - (DHPCLG)

Custom House

Dublin 1

11/9/2018

Liz O'Brien

Marine Environment & Foreshore,
Department of Housing, Planning,
& Local Government
Newtown Road,
Wexford
053 9117465



Rinville,
Oranmore,
Co. Galway
Tel: 091 387200

Date: 23 August 2018

Jane O'Mahony
Aquaculture and Foreshore Management Division
Department of Agriculture, Food and the Marine
Clogheen,
Clonakilty
Co. Cork.

Advice on Aquaculture Licence Application

Applicant	Francis Gallagher
Application type	New
Site Reference No	T12/405A
Species	Pacific Oysters (<i>Crassostrea gigas</i>) – bags and trestles
Site Status	Located within the West of Ardara / Mass Road SAC (Site Code 000197) Not located within a designated Shellfish Growing Water Area

Dear Jane

This is an application for an aquaculture licence for the production of Pacific oysters (*Crassostrea gigas*) using bags and trestles at Site T12/405A on the foreshore in Loughros Mór Bay, Co. Donegal. The area of foreshore at Site T12/405A is 34.324 Ha

Site T12/405A is not located within a designated Shellfish Growing Waters Area. It is recommended that the implications of licencing sites that are not located within a designated Shellfish Growing Waters Area should be fully considered by DAFM as part of the licence determination process.

Oysters in Loughros Mór Bay are not currently classified under Annex II of EU Regulation 854/2004.

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

Considering the location, nature and scale of the proposed aquaculture activity, and in deference to our remit under the Marine Institute Act, and the considerations implicit to Sections 61(e and f) of the Fisheries (Amendment) Act, 1997 the Marine Institute is of the view that there will be no significant impacts on the marine environment and that the quality status of the area will not be adversely impacted

Site T12/405A is located within the West of Ardara / Mass Road SAC (Site Code 000197)

We note the findings of the Appropriate Assessment report¹ and the Department's draft Natura conclusion statement² in regard to the impact on the Conservation Objectives within the West of Ardara / Mass Road SAC

1

<http://agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/appropriateassessments/donegal/AppAssessmentAquacultureWestArdaraMaasRoadSAC23022018.pdf>

2

<http://agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/appropriateassessments/conclusionstatement/DraftAppropriateAssessmentConclusionStatementWestArdaraMaasRoad080818.pdf>

In making the final determination with respect to this application it is recommended that DAFM take full account of the conclusions and recommendations of the Appropriate Assessment report and the proposed mitigation measures set out in the Department's draft Natura Conclusion Statement.

Proposed access routes using vehicles over intertidal habitat should be strictly adhered to in order to minimise habitat disturbance.

Information on the source of seed for the site has not been provided and the MI recommends that this information be sought from the applicant prior to any final licence determination being made.

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

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

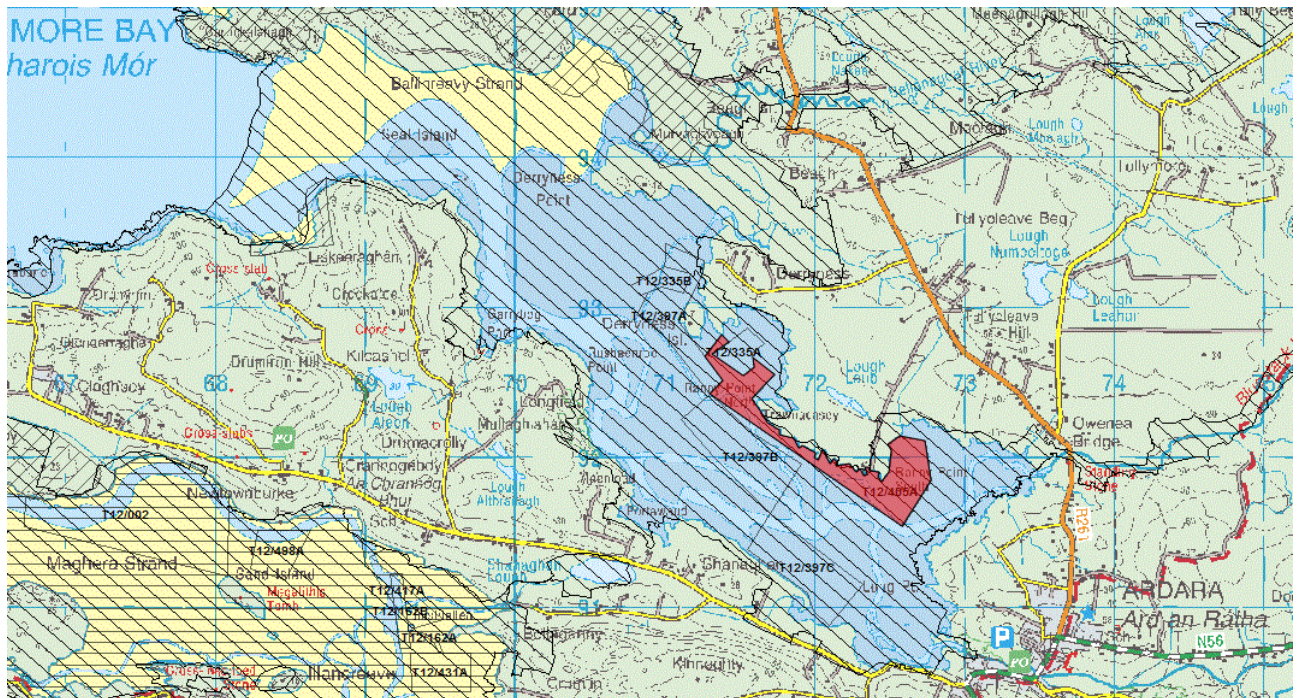
In the event that alien species are introduced into a site as a result of aquaculture activity the impacts may be bay -wide and thus affect other aquaculture operators in the bay. In this regard, therefore, the Marine Institute considers that the CLAMS process may be a useful and appropriate vehicle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





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

Kind regards,



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



- | | |
|--|---|
| <input checked="" type="checkbox"/> Shellfish Waters Directive Area
 | <input checked="" type="checkbox"/> Aquaculture Site
 |
| <input checked="" type="checkbox"/> Special Area of Conservation
 | <input checked="" type="checkbox"/> Special Protection Areas
 |



COMMISSIONERS OF IRISH LIGHTS

Harbour Road, Dun Laoghaire, Co. Dublin.

Marine Department

Tel: +353 1 271 5400 E-mail: marine@cil.ie
Fax: +353 1 271 5566 Web: www.cil.ie

Ms Karen Gill
Aquaculture and Foreshore Management Division
Department of Agriculture, Fisheries and Food
Clogheen
Clonakilty
Co. Cork

Your Reference:

Our Reference: LA 0399.1560

Date: 28 April 2010

Ref: T12/405A - Oysters/trestles

Applicant: Mr Francis Gallagher, Derryness, Ardara, Co Donegal

Site: Ardara - Loughros Mor Bay, Co Donegal

Dear Ms Gill,

Thank you for your letter advising us of this application. Based on the information supplied, there appears to be no objection to the development. It is important to ensure that no navigable inter-tidal channels are impeded by any structures.

If a licence is granted, all structures must be clearly marked as required by Regulations and Licensing Permit conditions and to the approval of the Nautical Surveyor with the Marine Survey Office. We would request that you include the following terms in the licence(s) if granted—

- That the applicant(s) secures Statutory Sanction from the Commissioners of Irish Lights, for the aids to navigation that may be required by the Marine Survey Office. These aids should be in place before development on the site commences.
- The size and specification of aids to navigation should be of the design and specification approved by the Marine Survey Office and must be agreed in advance with the Commissioners of Irish Lights.

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

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

Yours sincerely,

Desmond O'Brien
for Head Of Marine



cc Capt. N. Forde, Dept. of Transport, Marine Survey Office



Email response

21/09/2018

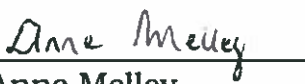
Ms Jane O' Mahony
Executive Officer
Department of Agriculture, Food and the Marine
Aquaculture and Foreshore Management Division
National Seafood Centre
Clonakilty
Co. Cork
P85 TX47

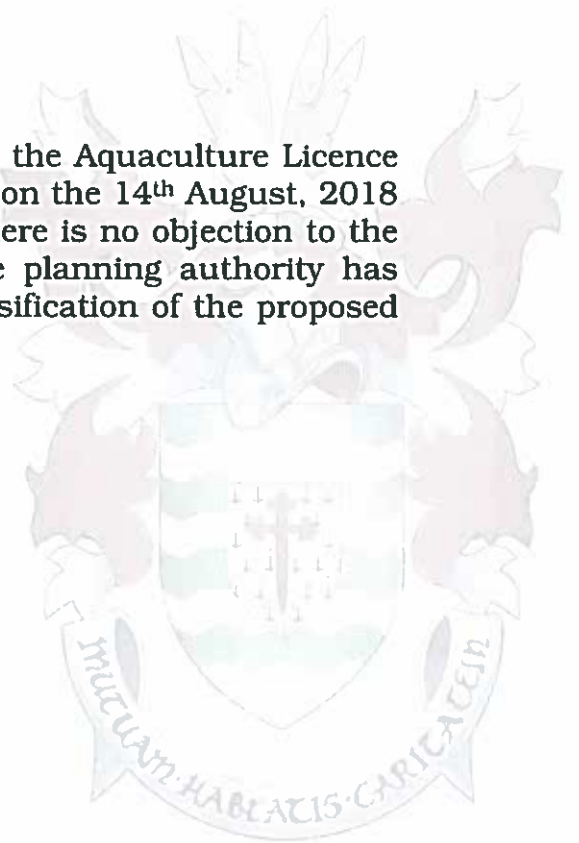
Re: Applications for Aquaculture Licences in Loughros Bay

Dear Jane

I attach hereto Planners report with regard to the Aquaculture Licence applications that were submitted to this office on the 14th August, 2018 for consultation. As you will see from same there is no objection to the renewal of the existing licences, however the planning authority has grave concerns regarding the significant intensification of the proposed new licence applications.

Yours sincerely


Anne Melley
Administrative Officer





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

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

Background

A referral seeking observations was received by the Planning Authority from the Dept of Agriculture, Food and Marine on the 14th August 2018 in relation to 3 no. applications for new aquaculture licences.

Proposed development

A total of 3 no. applications for the aquaculture licences have been received for comment for new aquaculture licences submitted under Ref No. [REDACTED] T12/397A, T12/397B, T12/397C, [REDACTED]

Ref	Applicants	Number of sites and site references	Species method	Application Type	Total Area (ha)	Additional info: / Natura 2000 sites
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
T12/405	Mr. Francis Gallagher	1 site T12/405A	Pacific Oysters, Bags and trestles	New	30 ha	Limited details provided -Access to site by Local road L-773-1 and R-261-2. 2400 Trestles identified in 'Block A' and 1200 identified on another portion.
Total					[REDACTED]	

Limited details provided in terms of the submitted documentation.



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Natura 2000 sites

- The subject site(s) are located within the West of Ardara/ Mass Road SAC (Site Code 000197).
- Natura sites located within 15km of the subject sites. namely Sheskinmore Lough SPA (site code 004090 refers) , Slieve Toory/ Tormore Island/ Loughros Beg Bay SAC Site code 000190, Inishkeel SPA (Site code: 004116 refers) and West Donegal Coast SPA (Sitecode 004150 refers)

West of Ardara/Maas Road SAC Special Area of Conservation (Site Code 000197 refers).

This extensive site occupies the area of coast immediately north of Ardara in southwest County Donegal. From there, it continues northwards around the coast, and then up the Gweebarra River to Doocharry. From the centre of the site an expanse of blanket bog extends south-east almost to Glenties. Lough Beg Bay and Slieve Tooley Mountain are adjacent and to the south-west of the site. The Owenea system and some of its tributaries including the Stracashel and Owengarve Rivers. Further details regarding the same can be found at <https://www.npws.ie/protected-sites/sac/000197>.

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

- ☐ [1013] *Vertigo geyeri*
- ☐ [1029] *Margaritifera margaritifera*
- ☐ [1065] *Euphydrias (Eurodryas, Hypodryas) aurinia*
- ☐ [1106] *Salmo salar* (only in fresh water)
- ☐ [1130] Estuaries
- ☐ [1140] Mudflats and sandflats not covered by seawater at low tide
- ☐ [1160] Large shallow inlets and bays
- ☐ [1330] Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)
- ☐ [1355] *Lutra lutra*
- ☐ [1365] *Phoca vitulina*
- ☐ [1395] *Petalophyllum ralfsii*
- ☐ [1410] Mediterranean salt meadows (*Juncetalia maritimi*)
- ☐ [1833] *Najas flexilis*
- ☐ [2120] Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes")
- ☐ [2130] * Fixed coastal dunes with herbaceous vegetation ("grey dunes")
- ☐ [2140] * Decalcified fixed dunes with *Empetrum nigrum*
- ☐ [2150] * Atlantic decalcified fixed dunes (*Calluno-Ulicetalia*)
- ☐ [2170] Dunes with *Salix repens* ssp. *argentea* (*Salix arenariae*)
- ☐ [2190] Humid dune slacks
- ☐ [21A0] Machairs (* in Ireland)
- ☐ [3110] Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*)
- ☐ [4010] Northern Atlantic wet heaths with *Erica tetralix*
- ☐ [4030] European dry heaths



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- ☐ [4060] Alpine and Boreal heaths
- ☐ [5130] *Juniperus communis* formations on heaths or calcareous grasslands
- Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco Brometalia*)(*important orchid sites)
- ☐ [6210]
- ☐ [6410] *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*)
- ☐ [6510] Lowland hay meadows (*Alopecurus pratensis*, *Sanguisorba officinalis*)
- ☐ [7130] Blanket bogs (* if active only)
- ☐ [7150] Depressions on peat substrates of the *Rhynchosporion*
- ☐ [7230] Alkaline fens.

Habitats Directive

The applicant has submitted an Appropriate Assessment Report for Aquaculture in West Ardara/ Maas Road SAC (Site code: 000197) - Dated October 2016 and a Draft Appropriate Assessment Screening Conclusion Statement in support of the application.

The submitted reports failed to refer specifically to the proposed development (each site) and instead provides for a very generalised overview of the development. The Planning Authority would have concerns in relation to the limited analysis contained in same. In particular an assessment which was carried out into the likely interaction between aquaculture activity and conservation features (habitats and species) of the site which only identified two community types within the 'Qualifying Interests' as 1130 and 1140 for consideration and has excluded a number of habitat features and species from further assessment. Furthermore, it is considered that the overlap with Slieve Toory/ Tormore Island/ Loughros Beg Bay SAC Site code 000190 requires further investigations into the potential impacts arising from the proposed activities and should be considered in the conclusions of the report due to the proximity of the same relative to the proposed site. It was further noted that at no point were there any reference made to the adjoining Sheskinmore Lough SPA (site code 004090 refers) which is located in close proximity to the subject sites.

Concerns also arise in relation to the absence of an assessment in relation to the significant scale proposed as part of this development, the impact of human disturbance, details in relation to and reference made on p33 of the report, to 'unknowns' in terms of risk of disease transmission from 'cultured oysters to other species'. In this regard the screening and assessment of potential impacts of the proposed activities is deficient. The Planning Authority has concerns with regard to the lack of the inclusion of any recent field data in relation to the same. On p27 of the report Section 5.1.3 states that tractors and trailers will be used to access the cultivation sites... all access will be confined to designated access routes'. This activity is not fully described and has potential to be significant in terms of impact on the qualifying interests of the SAC.

With regards to Section 6 of the report titled 'Natura Impact Statement for the proposed Activities' the Department should note that Case Law of the Court of Justice of the European Union (e.g. case C-258/11 of the Court of Justice of the European Union) has established that an appropriate assessment cannot have Lacunae, and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of a project on the European site/s concerned. These standards, best scientific knowledge, and the precautionary principle should underpin the final assessment



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and analysis with regard to the conservation objectives and integrity of the European site. Where scientific uncertainties or differing scientific opinions regarding implications for European sites and their conservation objectives exist, including as outlined above, the decision making authority should demonstrate how these were addressed and resolved.

County Development Plan 2018-2024

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

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

The Following considerations are applicable in terms of policy:

Natural Heritage (Natura 2000 sites, Designated Views)

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

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

Lands to the immediate north and south of the subject site(s) is zoned as 'Especially High Scenic Amenity Area' (EHSA). Objectives and Policies in relation to the EHSA are set out in Chapter 7 of the County Development Plan 2018-2024.

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

Built Heritage NIAH / RPS / Archaeology

In terms of Archaeology there are a number of Monuments are located within the vicinity of the sites in particular Site Reference No. [REDACTED]

DG 073-029002- Ritual Site, Holy well (580m from [REDACTED])

DG 073-029003- Graveyard.

DG 073-029 Ecclesiastical Remains, Religious and Burial.

Regard should be had to the objectives and policies of Section 7.3 Archaeological Heritage. It is an objective of the said section 'To conserve and protect the County's archaeological heritage for present and future generations' - **AH-O-1**



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Where is it a policy of the Plan 'to protect and enhance the integrity of Archaeological Monuments and their settings and to secure the preservation in- situ of all archaeological monuments included on the Record of Monuments and Places...' - **AH-P-1** and 'It is the policy of the Council to protect the character, settings of and views from National Monuments and Recorded Monuments and to manage development which would be considered to (visually or physically) intrude upon or inhibit the enjoyment of the amenities of these sites.' **AH-P-3**. On that basis Archaeological monitoring may be required and that the Department of Culture, Heritage and the Gaeltacht be consulted on the matter.

Tourism/ Wild Atlantic Way

In relation to Tourism, Chapter 9 of the County Development Plan 2018-2024 sets out the relevant objectives and policy. Policies TOU-P-5 and TOU-P-6 are applicable where it is 'It is a policy of the Council not to permit development which would materially detract from visual and scenic amenities along the route of the Wild Atlantic Way' -**TOU-P-5** and 'It is a policy of the Council not to permit developments which would materially detract from the visual/scenic amenities on the approach roads to, the visual setting of, or the views to be had from, significant tourism attractions' - **TOU-P-6**

It is further noted in Chapter 10 of the County Development Plan 2018-2024 under The Marine Resource and Coastal Management 'It is a policy of the Council to ensure that development proposals do not adversely compromise the recreational amenity and environmental quality of coastal areas including Flag Beaches, Natura 2000 sites and areas of Especially High Scenic Amenity' - **MRCM-P-10**.

Further items for consideration include access in terms of the infrastructural capacity of the routes identified and consent for the use of any private access points. In addition regard must be had on the impact on the residential amenity of adjoining properties in close proximity to the proposed activities as the Planning Authority considers that the same may potentially give rise to residential amenity concerns therefore an assessment is required in respect of the same.

Conclusion

In conclusion, the Planning Authority considers licence application No's [REDACTED] T12/405A as referenced above to be excessive relative to the need to protect the amenities of the bay and therefore contrary to the aforementioned objectives and policies of the County Development Plan 2018-2024 and to the proper planning and sustainable development of the area.

The Planning Authority consider the cumulative impact of the proposed new licence applications, which equate to a total area of [REDACTED] ha to represent a significant scale of the Mussel and Oyster Farming activity in Loughros Mor Bay, which on balance, if permitted would result in a negative visual impact of the views afforded across the Bay from the local road network and the vicinity of the host environment. Same is considered to be contrary the objectives and policies of the County Development Plan 2018-2024 as set out in objectives NH-O-5- and NH-O-7 and policies NH-P-1 to 5 and NH-P-5-9 inclusive.



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Having regard to the location of the new proposed licence area within an area currently free from aquaculture activities within the West of Ardara/Maas Road SAC Special Area of Conservation the taken in conjunction with other applications granted in the adjoining Slieve Tooley/Tromore Island/Loughros Beg Bay SAC), the significant intensification of activity that these represent and to the negative visual amenity impacts that these new licence sites will have on views afforded from the local road network and from designated views and prospects in the area, the proposals are considered to represent a material contravention of the policies of the County Development Plan 2018-2024 and, if permitted, would be contrary to the proper planning and sustainable development of the area.

Additionally, in the absence of clarifications around the adequacy of the Appropriate Assessment submitted in support of these licence applications, it is considered that the proposals have the potential to materially contravene Objective NH-O-2 (*To comply with Article 6 of the Habitats Directive (92/43/EEC) and have regard to the relevant conservation objectives, management plans, qualifying interests and threats to the integrity of Natura 2000 sites*). In this regard the Planning Authority will rely on the Department of Agriculture, Food and the Marine as the consent authority to have appropriate regard to Article 6 of the habitats directive.

I wish to reiterate that the Planning Authority is making the above observations in the context that (a) the comments relating to the Appropriate Assessment relates to applications for new licences, and (b) the issues raised with regard to the visual impact of the licence applications relate specifically to the extent and scale of activity on Loughros Mor Bay arising from applications for new licence.


Donna Callaghan
Assistant Planner

Kelleher, Evan

From: Murphy, Mike [Mike.Murphy@bim.ie]
Sent: 25 September 2018 15:36
To: OMahony, Jane
Subject: RE: Re Statutory Consultation for aquaculture in Loughros Mór Bay

Dear Jane,

Re: Licence Applications in Loughros Mor, Co. Donegal, [REDACTED] T12/405; for pacific oysters in bags and trestles [REDACTED].

Following internal consultation within BIM, the Seafood Technical Services Business unit, including aquaculture and inshore fisheries, BIM are satisfied that the proposed applications do not conflict with any aquaculture or inshore Fisheries interests in the area and we have no objection to the applications.

Regards,

Mike

Michael Murphy

Resource Development Manager North,
Seafood Technical Services Business Unit

BIM

T +353 749732601/+353 12144139

M +353 87 2476448

E mike.murphy@bim.ie

Bord Iascaigh Mhara,
Crofton Road, Dún Laoghaire,
Co. Dublin, A96 E5A0

Ireland's Seafood Development Agency

bim.ie

From: OMahony, Jane [<mailto:Jane.OMahony@agriculture.gov.ie>]

Sent: 14 August 2018 14:43

To: 'Natural Environment Office'; Dallaghan, Ben; O'Carroll, Terence; Murphy, Mike; 'fem.dau@chg.gov.ie'; 'planning@failteireland.ie'; 'mary.larkin@fisheriesireland.ie'; 'Terry McMahon'; 'foh@udas.ie'; 'planning@donegalcoco.ie'; 'cathal.sweeney@donegalcoco.ie'; 'foreshore@housing.gov.ie'

Subject: Re Statutory Consultation for aquaculture in Loughros Mór Bay

Dear All,

Please see letter attached (above) for your attention and also attached live link(below) to relevant application details and documentation .

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

Kind Regards,

Jane O'Mahony

Executive Officer

An Roinn Talmhaíochta, Bia agus Mara

Department of Agriculture, Food and the Marine

An Lárionad Bia Mara Náisiúnta, An Cloichín, Cloich na Coillte, Corcaigh, P85 TX47

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Department of Agriculture, Food and the Marine

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An Roinn Talmhaíochta, Bia agus Mara

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



Kelleher, Evan

From: Foreshore EPA Marine [fem.dau@chg.gov.ie]
Sent: 21 September 2018 09:11
To: Aquaculturelicensing
Subject: Aquaculture Licences [REDACTED] T12/405A Ardara, Co. Donegal

RE: Aquaculture Licences [REDACTED] T12/405A at Loughros Mor Bay, Ardara, Co. Donegal.

A chara,

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

Nature Conservation

The Department of Culture, Heritage and the Gaeltacht welcomes the opportunity to provide observations concerning the licence applications for aquaculture activities: [REDACTED] T12/405A at West of Ardara/Maas Road SAC (Site Code: 000197). This is the first time this Department has issued comments on the appropriate assessment report and draft conclusion statement for this site and it is hoped that these observations will be considered by the Department of Agriculture, Food and the Marine in its decision-making process

Harbour seal (*Phoca vitulina*)

This Department is satisfied that in the main where terrestrial/intertidal haul-out habitat use is concerned, the rationales and conclusions presented in the Appropriate Assessment report with regard to harbour seal (*Phoca vitulina*) are supported, and that the likelihood of a significant effect on seal populations at the identified haul-out sites may be discounted.

However with regard to this species aquatic behaviour and habitat use, it must be noted that the subtidal and intertidal waters of inner Loughros More Bay extending eastwards to Ardara are identified as suitable habitat in the published conservation objectives for the site[1]. While specific information on aquatic areas of preference for harbour seals within and outside the SAC is currently lacking, given the scientific knowledge of harbour seal movement and behaviour in coastal and estuarine situations elsewhere it is valid to consider those subtidal and intertidal waters along and adjacent to the main channels, extending inland to the eastern perimeter of the SAC, as of potential importance for movement and foraging of this species within this SAC.

In the absence of site-specific data concerning harbour seal habitat use in the West of Ardara/Maas Road SAC, it is this Department's contention that areas [REDACTED] of fixed trestle-based aquaculture could act as a physical barrier and/or disturbance source limiting or preventing aquatic site use by harbour seals and also restricting access to suitable demersal/benthic foraging habitat for the species.

In view of the site-specific conservation objective for harbour seal it is recommended that: (1) the above scientific and conservation considerations are taken into account by the Licensing Authority and (2) a precautionary approach is adopted, in order to ensure that any introduction of artificial barriers to site use by harbour seals and/or disturbance-mediated effects on the population at the site are avoided.

Annex I Habitats

While agreeing with the premise that oyster trestles placed on the intertidal do not permanently affect the sediment directly beneath them, this is based on the assumption that the structures do not alter the hydrography of the site. However this Department is concerned that in a bay as small and narrow as the bay in question, with the trestles all occurring in a band across the centre of the site, changes to the hydrology of the inner bay cannot be discounted. A

restricted flow to the inner part of the bay has the potential to have deleterious effect on the marine community type there.

This Department also considers that the decoupling of water column conditions from benthos condition is erroneous; poor water quality, particularly if it is on-going, will impact negatively on the sedimentary communities and therefore must be considered as an in-combination effect.

SPAs

Section 4.4 of the appropriate assessment report screens adjacent SACs. This Department recommends that screening is also undertaken for proximate SPAs. The SAC site-specific conservation objectives document lists Sheskinmore Lough SPA (004090), Lough Nillan Bog SPA (004110), Inishkeel SPA (004116) and West Donegal Coast SPA (004150) as overlapping/adjacent to SAC 000197.

Mise le meas,

Connor Rooney
Clerical Officer

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

Aonad na nIarratas ar Fhorbairt
Development Applications Unit

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Is faoi rún agus chun úsáide an té nó an aonán atá luaite leis, a sheoltar an ríomhphost seo agus aon comhad atá nasctha leis. Má bhfuair tú an ríomhphost seo trí earráid, déan teagmháil le bhainisteoir an chórais.

Deimhnítear leis an bhfo-nóta seo freisin go bhfuil an teachtaireacht ríomhphoist seo scuabtha le bogearraí frithvórais chun vórais ríomhaire a aimsiú.

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Your Ref: [REDACTED] T12/405

Aquaculture and Foreshore Management Division,
Department of Agriculture, Food and the Marine,
National Seafood Centre
Clonakilty
Co Cork
Date: 12/10/2018

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Re: Application for Aquaculture Licence

To whom it may concern,

We refer to your email notification of the 14/08/2018 regarding the above applications for aquaculture licences and make the following observations.

We note that applications [REDACTED] T12/405, refer to developments that are not wholly within designated shellfish waters within Loughros Bay. For your information, we identify in Table 1 the coordinates of existing primary and secondary discharges and stormwater overflows (SWO) operated by Irish Water discharging within 10 km of the proposed development.

Aquaculture Application Ref	Ardara WWTP Outfall (Distance to Proposed Aquaculture Site)
[REDACTED]	[REDACTED]
T12/405	0.1km

According to our records, applications [REDACTED] the Ardara WWTP Outfall while T12/405 is within 100m of the Outfall.

The Department may wish to consider the proximity of wastewater discharges to the proposed aquaculture developments when making a decision on this application.

Yours faithfully,

P.P. *[Signature]*

Suzanne Dempsey
Spatial Planning Strategy Specialist
Irish Water