

Mr Campbell

bje 12/4/18

Ms Geraldine O'Donovan AFMD

**Application by Francis Gallagher to cultivate oysters on trestles at Loughros Mór Bay, Co. Donegal**

File ref T12/405

This aquaculture licence application was originally received by CZMD on 11/2/10. MED made some initial comments on the application on 17/1/11 related to site overlaps – see copy of memo from Grainne Duggan to Karen Gill dated 17/1/11.

Following completion of the appropriate assessment for Loughros Mór Bay and a detailed inspection of the site this current report is the updated MED report on this application.

Application background

The applicant Francis Gallagher is a farmer who farms land directly adjoining the foreshore site area applied for in this application. I contacted him by phone on 27/3/18 and he confirmed his continuing interest in the application. He explained that he had some oyster farm work experience (from occasional helping out at Charlie McHugh's oyster farm at Loughrosbeg Bay). He said that he did a trial with two oyster trestles on his application site many years ago. The trial was reasonably successful in his opinion.

Physical characteristics of site

Site 405A runs in a northwest to southeast direction from the embayment at Ranny Point North to that at Ranny Point South. The site is a relatively large site. There are some areas of overlap with earlier applications [REDACTED] at its northern end. See overlap areas on MAP 1 in this report. Site 405A is 35.02 hectares in area when the overlap areas with sites [REDACTED] and [REDACTED] are excluded.

I inspected the site at low tide on 28/3/18.

**Substrate:**

Most of the site has a firm sand substrate although areas adjoining high water mark tend to have outcropping rock. There is an area of soft ground just west of Ranny Point South which would not be suitable for load bearing. This area is indicated on MAP 2 included in this report. Note that outcropping rock and low water channel blocking access at this same location on site 405A means that east and west portions of the site will need separate foreshore access points as the entire site is not directly accessible by vehicle from one access. This may not be a difficulty to the applicant as he owns land along the high water mark adjoining the site.

Elsewhere the site appears firm enough to support trestles.

**Elevation:**

The site is adjacent to the high water mark over much of its length. This is unusual as typically oysters sites tend to be located close to low water. Based on DGPS readings taken during the site survey of 28/3/18 I have mapped the approximate position of low water neaps on the attached map. This line

gives a general indication of the upper limit of area with the most suitable ground elevation for standard height trestles. Area below (or south of) this line is more suitable than area higher than that level (north of line).



View of central portion of site 405A – note relatively high elevation close to high water mark

28/3/18

It may be seen from MAP 3 that virtually all of site 405A is higher than the recommended level (low water neaps (or low water spring tide + 2 hours) ) – the exception is at the southern end of the site west of Ranny Point South (which as noted above has soft substrate and is less readily accessed. This is also unfortunately the part of site closest to the Ardara sewage scheme outfall point - 100 to 200m away).

Most of the site is actually above the level of mid tide apart from southeast area close to low water channel. In this area tidal coverage will be less than 50% of the time. High elevation of north and much of centre of site means that it is sub optimal for tidal coverage of trestles. Periods of exposure of oyster bags are likely to exceed 3 hours either side of low water and therefore could not be recommended for trestle based oyster culture.

The area below level of mid tide is shown hatched in red in attached MAP 4. Area is 6.856 hectares. This more “viable” area has issues of poor substrate, access and proximity to outfall point.

#### Development proposal

There is little or no information in the application form on what the proposed oyster farm would consist of – the only indication of tonnage proposed are the entries at section 9 and section 10

(incorrect locations) which suggest developing a farm of 60 to 100 tonnes annual production scale by year 4. Section 7 and 8 of the application form have not been completed.

#### Adequacy of application documents

Layout drawing – no layout drawing is provided

Access map – even though access will not be an issue given applicants ownership of lands adjoining the site, no access map is provided which would clarify the point(s) of access to foreshore intended.

Oyster trestle drawing – none provided

If the application is to go to public consultation the above 3 documents would need to be provided.

#### Water quality/sewage scheme outfall

The outfall point from Ardara sewerage scheme is located 60m from site 405A. Most of site 405A falls within a 1 km radius of the outfall – see MAP 1 overleaf.

Ardara sewage treatment works discharges a secondary treated effluent of 25/35 mg/l BOD/SS. The scheme was opened in 2008 – it is designed for a population of 2350 p.e. – recent year loadings have been less than 500 p.e. The level of treatment provided provides little reduction in the risk of viral contamination of the nearfield receiving water posed by the sewage discharge. Disinfection in some form of effluent would need to be applied prior to discharge in order to offer any significant protection for shellfish growing areas close to the outfall. I expect there is little prospect of Irish Water/ Donegal County Council being willing to commit to the expenditure to put sewage disinfection treatment in place and operate it given priorities to upgrade and provide sewage treatment elsewhere.

The views of Donegal County Council were apparently given on application [REDACTED] some years ago and were negative about the proposed development of oyster farm at sites [REDACTED]. The current view of the sanitary authority Donegal County Council should be sought by the Department in regard to application site 405A. The views of SFPA on suitability of such waters for shellfish growing should be sought also as they would have a major say on the suitability of the waters for the proposed culture of oysters.

#### Potential impacts on other beneficial usages

##### *Natura 2000*

Site 405A is located in a Natura 2000 area (West of Ardara /Maas Road SAC 000197) and appropriate assessment required under the Habitats Directive is necessary to assess potential impact on Conservation Objectives of the site. The appropriate assessment of aquaculture in this SAC was carried out by Marine Institute and concluded that proposed licensing of oyster and clam cultivation is not likely to significantly and adversely affect the integrity of the SAC.

##### *Amenity*

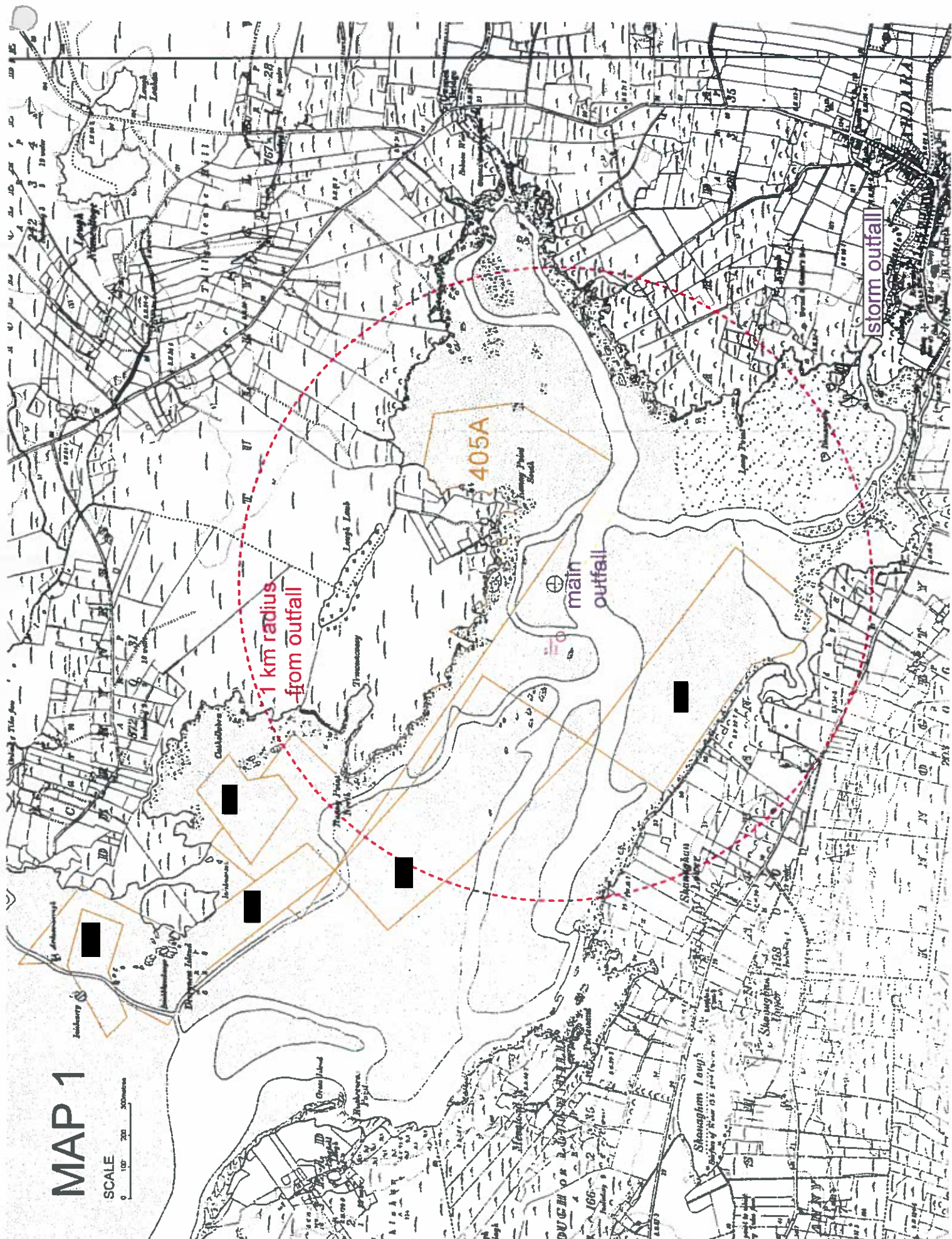
The foreshore area in inner Loughros Mór Bay in the vicinity of site 405A is little used for amenity purposes.



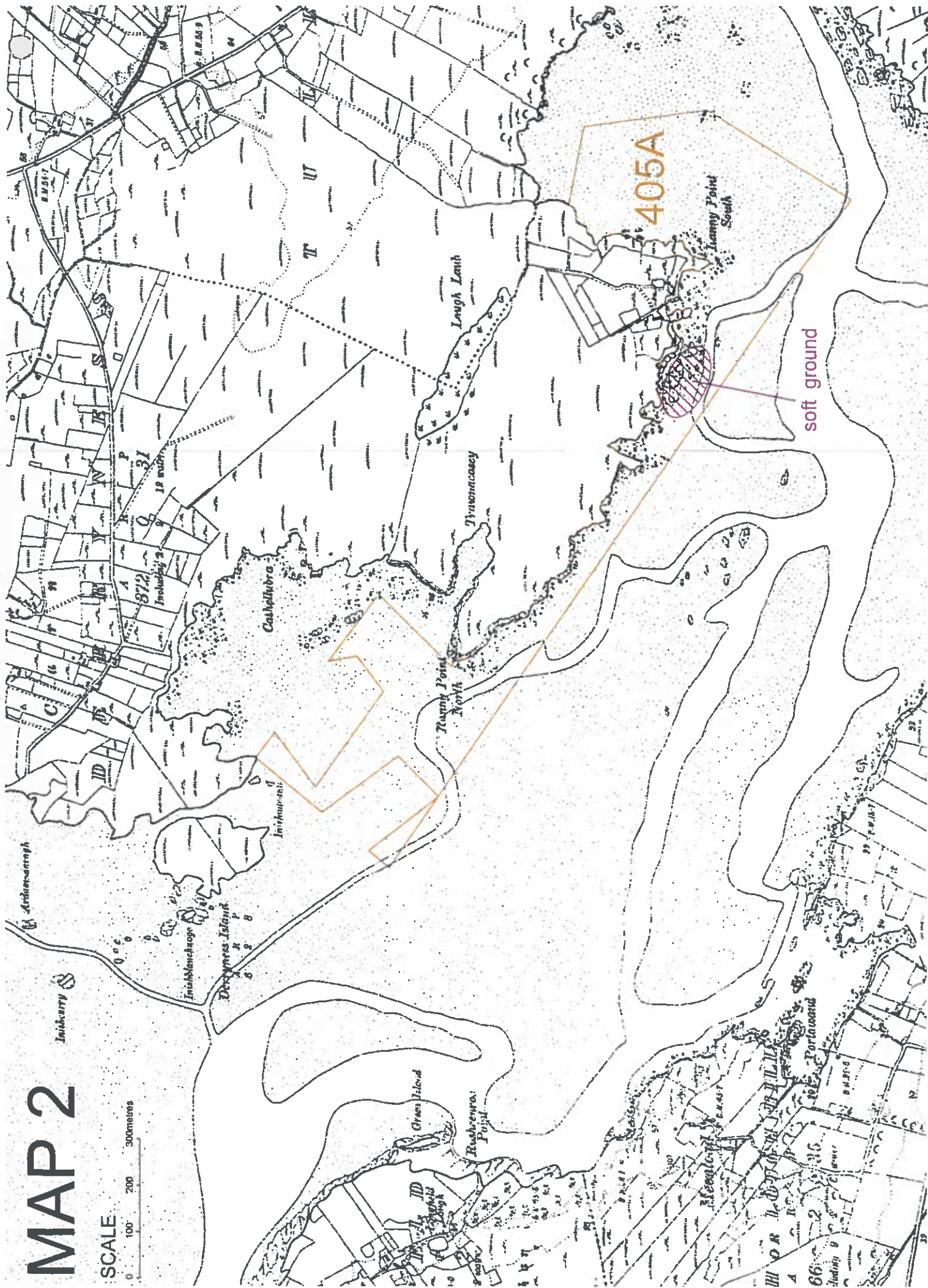
# MAP 1

SCALE

0 100 200 300metres





[illegible][illegible][illegible]

A detailed topographic map of the Lough Linnagh area. The map shows various land parcels outlined in black, some labeled with numbers like 872, 31, 19, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. A large orange-outlined polygon is labeled '405A'. A red hatched area is labeled 'soft ground'. Other labels include 'Lough Linnagh', 'Cathelhydra', 'Inchblanchage', 'Drogheda Island', 'Green Island', 'Rushmore Point', 'Portlaoine', 'Inchmurrane', 'Inchmurrane North', 'Inchmurrane South', 'Inchmurrane East', 'Inchmurrane West', 'Inchmurrane Central', 'Inchmurrane North-East', 'Inchmurrane North-West', 'Inchmurrane South-East', 'Inchmurrane South-West', 'Inchmurrane Central-East', 'Inchmurrane Central-West', 'Inchmurrane North-East-Central', 'Inchmurrane North-West-Central', 'Inchmurrane South-East-Central', 'Inchmurrane South-West-Central'. A scale bar at the bottom left indicates distances from 0 to 300 metres. The map also shows roads, railways, and other geographical features.



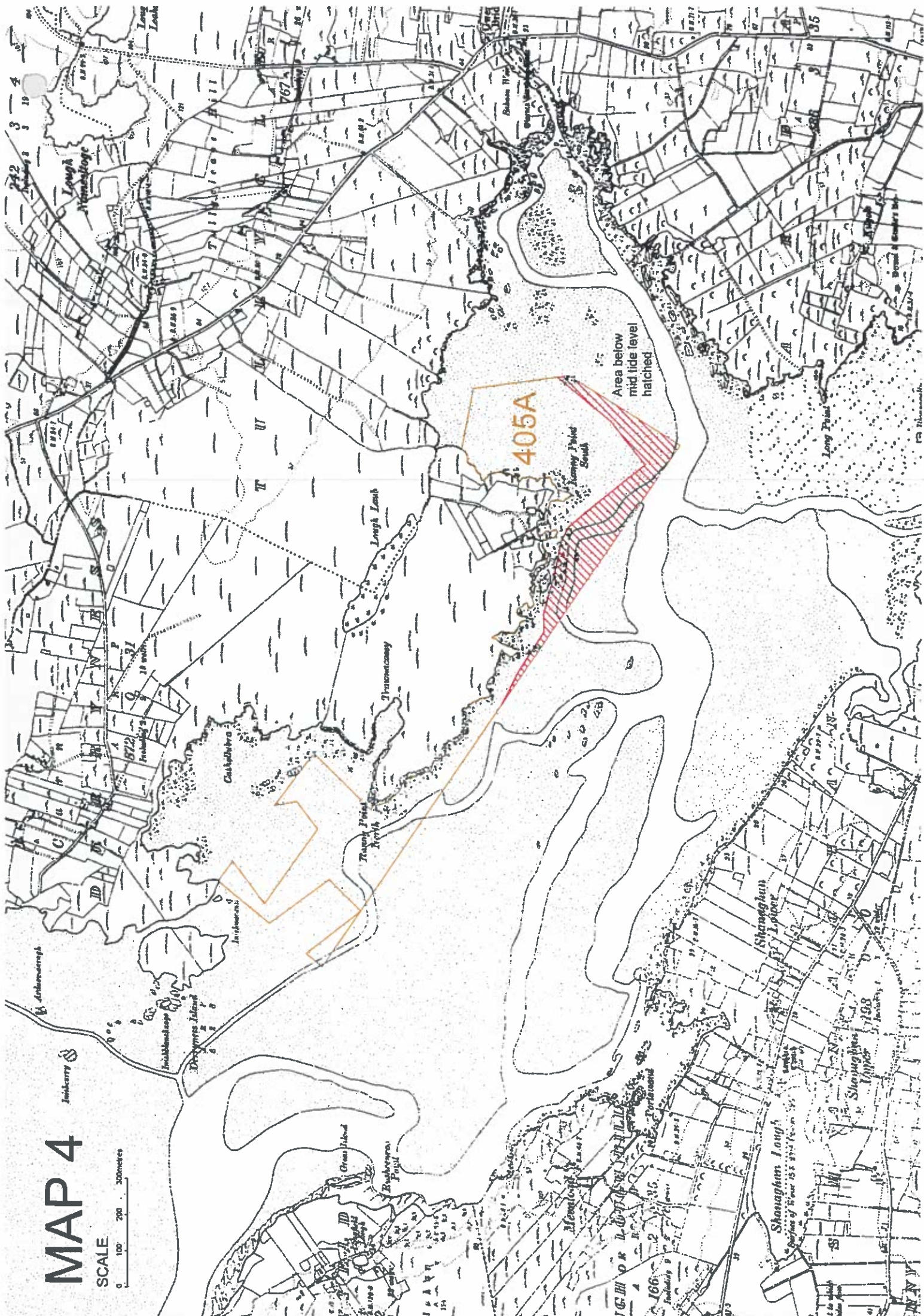




# MAP 4

SCALE

0 100 200 300metres



#### *Fishing Zone of passage (migratory fish)*

Site 405A is located alongside and partly across the estuarine section of the Owenea river. The Owenea is an important salmonid river – developed and managed by Inland Fisheries Ireland over many years with an important angling tourism component. The location of the oyster farm development relative to the low water channels in the estuarine section of the Owenea is important from a migratory fish access perspective. The position of these low water channels is liable to change over time – it has changed over recent years. Based on the present position of the low water channels site 405A if fully developed would not completely obstruct low water access to the Owenea river channel; the south most corner of the site (the area southeast of Ranny Point South) intersects one of a twin set of channels at that location – trestles placed there would potentially obstruct the full width of one channel but the other which lies further south of site 405A would be unaffected..

#### *Visual impact*

Site 405A has limited visibility from public roads – it is visible at 1km distance from the south along a short and low level section of the Ardara to Loughros Point road (in townland of Drumaghy).

Elsewhere it is not readily visible from public roads or amenity foreshore areas in the Bay. The visual envelope for this site is very limited in extent. The northern shore of Loughros Mór Bay (including lands along shore to north of site 405A) are designated as areas of especially high scenic amenity in the County Donegal Development Plan 2018-24. Accordingly viewer sensitivity where public road views are available could be considered high. The magnitude of impact on the public road view at Drumaghy townland is anticipated to be low because of low elevation of viewpoint and coastal rock surroundings. Therefore I expect that significance of visual impact on public views from the Ardara – Loughros Point road would be no higher than moderate despite elongated nature of proposed development site. No designated views will be impacted on by the proposed development.

In landscape impact terms the impact will be slight.

#### *Navigation*

Impact on navigation should not be a major issue in this case. Marking site corners by St Andrews Crosses may be appropriate as a precautionary measure.

#### Conclusion

My assessment of foreshore levels on the proposed site is that most of site 405A is not suitable for the proposed culture of oysters it being at too high a level relative to low tide levels. The lowest part of the site which are at its southeast extremity would have best potential in this respect.

I have water quality concerns due to proximity of the lower parts of the site to a town sewage outfall. The opinion of Donegal County council and SFPA on advisability of shellfish culture so close to an outfall point would be important.

I recommend that the application not be licensed as site area proposed appears to be not suitable for the proposed development due to a combination of water quality and elevation reasons.

Paul O'Sullivan

Paul O'Sullivan  
11/4/18



**Kelleher, Evan**

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**From:** O'CALLAGHAN Tom [TomOCallaghan@dtas.gov.ie]  
**Sent:** 15 April 2019 13:09  
**To:** ODonovan, Geraldine  
**Cc:** neil.askew@irishlights.ie; louise.collins@bim.ie  
**Subject:** T12-405, Oysters in Bags and Trestles, Francis Gallagher, Loughros Mor Bay

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Dear Ms O'Donovan,

This has no objections to this application.

- The two offshore corners of the offshore perimeter site and the mid-point of the offshore perimeter are required to be marked with a yellow special mark with topmark; the topmark to be visible at all stages of tide at a height of two metres above the water.
- The site may also be marked conducive to safe navigation if the other adjacent sites in the area are appropriately licensed and marked.
- Statutory sanction to be obtained for these marks from the Commissioners of Irish Lights ([www.irishlights.ie](http://www.irishlights.ie) [info@irishlights.ie](mailto:info@irishlights.ie))

Kind regards

**Tom O'Callaghan (Capt.)**  
**Nautical Surveyor**  
*Marine Survey Office*

**An Roinn Iompair, Turasóireachta agus Spóirt**  
*Department of Transport, Tourism and Sport*

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Tá eolas sa teachtaireacht leictreonach seo a d'fhéadfadh bheith príobháideach nó faoi rún agus b'fhéidir go mbeadh ábhar rúnda nó pribhléideach ann. Is le h-aghaidh an duine/na ndaoine nó le h-aghaidh an aonáin atá ainmnithe thuas agus le haghaidh an duine/na ndaoine sin amháin atá an t-eolas. Tá cosc ar rochtain don teachtaireacht leictreonach seo do aon duine eile. Murab ionann tusa agus an té a bhfuil an teachtaireacht ceaptha dó bíodh a fhios agat nach gceadaítear nochtadh, cóipeáil, scaipeadh nó úsáid an eolais agus/nó an chomhaid seo agus b'fhéidir d'fhéadfadh bheith mídhleathach.

Tá ár Ráiteas Príobháideachta le fáil ar [www.dttas.gov.ie](http://www.dttas.gov.ie)

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02/10/2018

Jane O'Mahoney  
Aquaculture & Foreshore Management Division,  
National Seafood Centre,  
Clogheen,  
Clonakilty,  
Co.Cork.

Ref: T12-405 (Frances Gallagher, Derryness, Ardara, Co. Donegal).

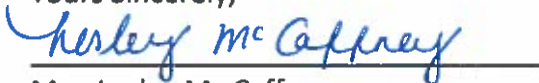
Dear Jane,

In reference to the aquaculture & foreshore licence application ref no T12/405 (Loughros Mór, Donegal) please find below the findings of the Sea Fisheries Protection Authority (SFPA):

1. There are currently no other aquaculture operations in this area. Therefore there is no shellsan *E.Coli* classification or biotoxin monitoring programmes in place. If this application is approved these programmes would need to be put in place & classification assigned prior to commencing operations.
2. The SFPA would like to reiterate the importance of the responsibility of producer of the Live Bivalve Molluscs to produce safe food intended for human consumption.

Please contact me if you require any further information.

Yours Sincerely,



Mrs. Lesley Mc Caffrey  
Sea Fisheries Protection Officer.