

Kelleher, Evan

From: OSullivan, Paul
Sent: 25 January 2019 17:35
To: ODonovan, Geraldine
Cc: Campbell, John
Subject: FW: Ardara town wastewater discharge D 0512-01
Attachments: confirmed outfall position IW250119.pdf

Geraldine

For information - Irish Water have given clarification on the questions we raised about the Ardara town outfall – see below.

The main outcome is that the outfall point is confirmed to be roughly 525m west of where it was suggested in earlier epa licence references. This puts the outfall site just inside site [REDACTED] and also close to [REDACTED] (see sketch map attached). This has implications for both those application sites.

The fact that discharge is continuous means that water quality at low tide near the outfall will be locally poorer than it would be if a tide related discharge.

The fact that outfall diffusers block regularly with sand confirms mobility of substrate in that area of the Bay which also has implication for stability of aquaculture structures if placed there.

MED report will proceed on basis of this new information.

Regards

Paul O’Sullivan

From: Matthew Collins [mailto:mattcoll@water.ie]
Sent: 25 January 2019 15:31
To: OSullivan, Paul
Subject: RE: Ardara town wastewater discharge D 0512-01

Ardara town wastewater discharge D 0512-01

Good afternoon Paul,

Please see below further information from Paul Kilcoyne, our regional Asset Operations Engineer in the North West region with regards the above mentioned discharge. Paul Spoke to Eoin Kerrane in Donegal Co Co to gather this info.

1. One issue relates to a tidal discharge which to my knowledge wasn't part of the design.

Yes Paul there is continuous discharge here with a storm holding tank only.

2. The second issue relates to confirmation of the actual location of the outfall diffusers. Was there a marker post or buoy ?

Yes. However the marker buoy was dislodged and washed ashore during a storm.

3. The third issue relates to the blocking of the diffusers with sand which I recall there were issues with. Have these been resolved ?

Yes. The diffusers periodically block with sand (maybe once a year on average) and we have developed a method to unblock.

4. Can local knowledge confirm that the diffuser is not 525m further west ?

a. (My recollection is that the outfall diffuser was constructed near the confluence of the two channels which has now moved immediately east due to dynamic sand shifting in the estuary, and in that respect the position shown on the IW drawings looks most likely.

Could you advise please.

We recorded the diffuser coordinates as:

171692.8 391644.1

This is close to coordinates given by Paul O Sullivan below (171679 391662) as being where they noted upflow (25m away). The difference between these 2 sets of coordinates could be explained by the there being four outlets from the diffuser in series. Different ones could have been blocked during survey.

This info seems to support your original suggestion as to the general whereabouts of the location of the outfall, I hope this helps.

I will speak to our asset information department in order to ensure the location of the outfall is amended. Please let me know if there is anything further I can help you with.

Thanks,

Matthew

From: OSullivan, Paul [<mailto:Paul.OSullivan@agriculture.gov.ie>]
Sent: 23 January 2019 15:36
To: Matthew Collins
Subject: RE: Ardara town wastewater discharge D 0512-01

Hi Matthew

Thanks for update .

Note that if you have people on site looking for the outfall you might inform them that the location where we DAFM think the outfall is (near 171679,391662) is safely approached on foot probably *only* from the north west direction at low spring tide— other directions and you may need a boat due to intervening deep channels (even at low tide).

We could meet your people on site if necessary.

Note a Donegal County Council drawing ref Ard/LA/C2(i) in the epa discharge licence application documents online which differs to other drawings I think bears out that the outfall is probably not at 172200, 391730 and more likely to be where we suspect.

Looking forward to getting your steer on the questions raised

Regards

Paul O'Sullivan

From: Matthew Collins [<mailto:mattcoll@water.ie>]
Sent: 23 January 2019 14:15
To: OSullivan, Paul
Subject: RE: Ardara town wastewater discharge D 0512-01

Good Afternoon Paul,

Firstly let me assure you that you have not been forgotten about. The more I spoke to our regional operatives in the North West region, the more people have gotten involved and now we have a small team of people trying to get exact answers for you. The exact location of the outfall seems to be the one that is taking the longest to get answers on. I am expecting answers on this by the end of today. In the mean time, please see notes below.

Is the discharge at the primary discharge point in the Owenea estuary (Loughros Mór Bay) a continuous discharge or a tide regulated discharge at present?

It's a continuous discharge. There may have been a misunderstanding at licencing stage that a tidal tank was in place to limit discharges to high tides only, however this is not the case and a technical amendment of the licence is required. We intend to correct this with the EPA.

2. Condition 5.6 of the epa wastewater discharge licence of 2015 stated that the licensee will provide and maintain a mechanism by which the primary discharge...is restricted to periods of high tide only in the

Owenea Estuary ; – this was set to be completed by Dec 2016 – Can you tell me is such a mechanism in place ? If in place what are the discharge periods relative to high tide ? If mechanism not in place are there any plans to provide such regulation of the discharge?

[See answer to 1 above](#)

3. Can you confirm for us the position of the primary discharge point in the Owenea estuary ? It is given in the formal application form to epa by Donegal County Council as 172200, 391730. it is referred to as SW001 with the same ING coordinates in epa annual environmental reports. It is difficult to know from surface surveys at low tide where it is but our survey work on shore recently found distinct upwelling at low tide at a point some 525 m further to the west at 171679 391662 which we think might be the actual outfall point?? (see image taken at this point attached where upwelling is at centre foreground – mp4 video also taken and available if required)). If the outfall is in fact at or close to 171679,391662 we would welcome confirmation of this as we had relied on the official coordinates up to now and it is an important piece of information in our aquaculture assessment work. (The actual outfall position would also affect the choice of downstream monitoring point –as it stands it may be in the wrong place at 172034.5, 391710.2 (not downstream)).

[Awaiting definitive response from IW Operations team in the North West. I have spoken to our GIS team who have checked the position of the point. Both the LEMA data and IW Discharge Point data agree that it should be at 172200, 391730 as stated by yourself.](#)

[If the discharge point is different to the coordinates given in the licence for the primary discharge point \(SW001\) a technical amendment will be applied for to correct this in the WWDA.](#)

4. Have there been issues with the operation of the diffuser ports due to blockage by moving sand ?

[Not that we know of; the diffuser ports are likely to incorporate a tideflex valve which prevents backflow. Currently checking with IW Ops.](#)

5. Is there any outline information you could provide to us on frequency of storm overflows discharging via main outfall or via SW002 ((Owentocker river)?

[Currently checking with IW Ops team. There may be flow measurement event monitoring in place for this overflow SW002. Will get back to you on this and the other points asap.](#)

Thank you for your patience on this,

Matthew Collins

Spatial Planning Specialist
Asset Strategy
Irish Water
Colvill House
Talbot St.
Dublin 1

Email: mattcoll@water.ie
Tel: +353 1 8925738



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From: OSullivan, Paul [<mailto:Paul.OSullivan@agriculture.gov.ie>]
Sent: 23 January 2019 13:06
To: Matthew Collins
Subject: RE: Ardara town wastewater discharge D 0512-01

Hi Matthew

Are any answers available yet I wonder ? If you had anything for us on the outfall location in particular it would be helpful at this point (no. 3 in list of queries) – as you can imagine outfall location is important in the assessment of aquaculture development proposals in the Bay

Regards
Paul O’Sullivan

From: Matthew Collins [<mailto:mattcoll@water.ie>]
Sent: 15 January 2019 12:13
To: OSullivan, Paul
Subject: RE: Ardara town wastewater discharge D 0512-01

Paul,

Just an email to acknowledge receipt of your request and to let you know I hopefully will have all the answers on this within the next couple of days.

Anything further, give me a shout.

Regards,

Matthew Collins

Spatial Planning Specialist
Asset Strategy
Irish Water
Colvill House
Talbot St.
Dublin 1

Email: mattcoll@water.ie
Tel: +353 1 8925738



 Please consider the environment before printing this e-mail

From: OSullivan, Paul [<mailto:Paul.OSullivan@agriculture.gov.ie>]
Sent: 14 January 2019 17:23
To: Matthew Collins
Subject: Ardara town wastewater discharge D 0512-01

Hi Matt

Further to phone call this morning my enquiry is focused on the discharge characteristics at the primary outfall serving the Ardara wastewater treatment works. My Department is interested because of aquaculture development proposals in the immediate area which we are evaluating at present.

My email enquiry to Irish Water was as follows “ Please provide contact details for an engineer or caretaker dealing with operating the Ardara sewage scheme - Our Department wishes to find out about hours of discharge relative to high tide and diffuser operation in Loughros mór bay”

I can summarise the main questions we had as follows :

1. Is the discharge at the primary discharge point in the Owenea estuary (Loughros Mór Bay) a continuous discharge or a tide regulated discharge at present?
2. Condition 5.6 of the epa wastewater discharge licence of 2015 stated that the licensee will provide and maintain a mechanism by which the primary discharge...is restricted to periods of high tide only in the Owenea Estuary ; – this was set to be completed by Dec 2016 – Can you tell me is such a mechanism in place ? If in place what are the discharge periods relative to high tide ? If mechanism not in place are there any plans to provide such regulation of the discharge?
3. Can you confirm for us the position of the primary discharge point in the Owenea estuary ? It is given in the formal application form to epa by Donegal County Council as 172200, 391730. it is referred to as SW001 with the same ING coordinates in epa annual environmental reports. It is difficult to know from surface surveys at low tide where it is but our survey work on shore recently found distinct upwelling at low tide at a point some 525 m further to the west at 171679 391662 which we think might be the actual outfall point?? (see image taken at this point attached where upwelling is at centre foreground – mp4 video also taken and available if required)). If the outfall is in fact at or close to 171679,391662 we would welcome confirmation of this as we had relied on the official coordinates up to now and it is an important piece of information in our aquaculture assessment work. (The actual outfall position would also affect the choice of downstream monitoring point –as it stands it may be in the wrong place at 172034.5, 391710.2 (not downstream)).
4. Have there been issues with the operation of the diffuser ports due to blockage by moving sand ?
5. Is there any outline information you could provide to us on frequency of storm overflows discharging via main outfall or via SW002 (Owentocker river)?

Regards

Paul O’Sullivan

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Thank you for your attention.

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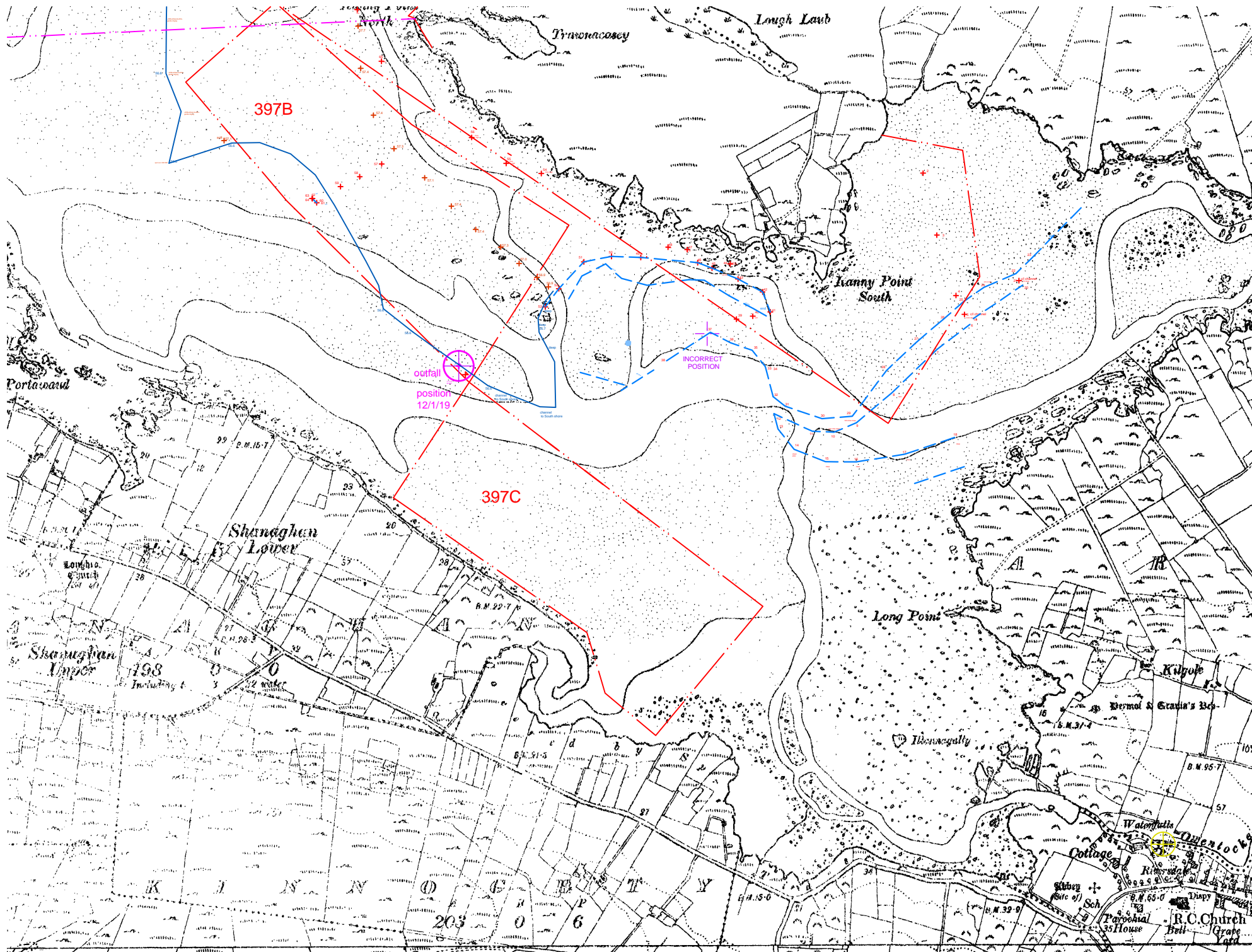
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Go raibh maith agat as d'aird a thabhairt.



Mr Campbell, Divisional Engineer

BJE 4/2/19

Ms O Donovan AFMD

**RE: Aquaculture licence application: [REDACTED] T12/405 Loughros Mór Bay – MED
comments on submissions made by statutory consultees and the public.**

Ms Jane O'Mahony's email of 15/11/18 with attachments and Mr Oisín O'Kelly's email of 10/1/19 with attachments refer. My comments on each submission are as follows:

Inland Fisheries Ireland (submission based on its 27 Sept inspection)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

T12/405

East part of this site if developed with trestles could create moderate scale visual impact from Owenea Bridge area. In general visual impact arising from site 405A will not be significant due to low visibility of the site area. Impact of this proposed site development on amenity usage of the local area would I think be low to moderate in significance as amenity usage of this part of the shore is probably much lower than points further west.

Salmonid migration – south end of site 405A extends into (but does not completely cross) a branch of the low water channel of Owenea river. The site does not extend into main low water channel of the Owenea. In my opinion development of 405A with trestles would not significantly hinder salmonid migration as overlap of site area with low water channels is limited in extent. For the same reason impact on small boat navigation would be slight although it would be important that sites were marked clearly for navigation.

It is true that maps used do not accurately reflect position of channels as they currently exist. However I am satisfied that the site survey information collected by MED has given us a reasonably accurate picture of the present low water channel positions relative to site 405A.

My assessment is that no significant issue arises from IFI submission on application T12/405;

Department of Culture, Heritage and the Gaeltacht (email 21/9/18)

Nature Conservation recommendations made by DCHG focus on harbour seal habitat and potential introduction of artificial barriers – I think these matters were addressed in the Appropriate Assessment study carried out. ; known moulting, breeding and rest sites for harbour seals were identified as being located at least 700m west of the application sites (refer to figures 4-5 to 4-7 in the appropriate assessment). Potential interactions between shellfish cultivation activities with Harbour Seal were considered in the appropriate assessment – interactions included the issue of access to suitable habitat and number of artificial barriers. The assessment concluded that “the main aspect of the culture activities that could potentially impact the designated species is the physical presence of trestles that may restrict access to certain habitats. However, given the locations of the structures and the low level of activity proposed it is concluded that activities would be **non-disturbing to the Annex II species found in West or Ardara/Maas Road SAC (00197)**”. Given the above conclusion as made in the appropriate assessment I don’t think the issue needs to be re-addressed at this point. It may be worth noting that it is likely that shellfish structures will in any case probably not be permitted to intrude significantly into low water channels in the central/inner Bay area (for fish migration and substrate change reasons) and this should provide further reassurance that low water channels will remain largely unobstructed for passage by seals .

DCHG also raise the issue of whether trestle placement might alter the hydrography of the Bay with resulting habitat impacts. I think this is a valid concern [REDACTED]. I think the [REDACTED] sites in applications [REDACTED] T12/405 pose less potential for impact on morphology of the Bay located as they are at higher elevation, closer to shoreline and largely within side embayments.

[REDACTED]

[REDACTED]

Marine Institute might be the best source to get advice on the final question raised by DCHG - whether screening for proximate SPAs is required. I would have thought there is no issue arising.

Department of Housing, Planning and Local Government (email 11/9/18)

This submission recommends that applicants demonstrate by monitoring that the area is suitable for shellfish aquaculture (water quality and shellfish health monitoring programme) in advance of a decision to licence. I think it may not be a reasonable proposition to expect applicants to monitor water quality themselves in advance of a licence application decision. The SFPAs who are the relevant authority on shellfish waters classification do not have monitoring data from the Bay in recent years. In their submission SFPAs recommended that monitoring and classification be done in advance of commencement of shellfish operations. Note in any case that a shellfish farm's access to market will ultimately be influenced by /bound by the results of ongoing bacteriological and biotoxin monitoring programmes once that farm is set up.

Donegal County Council (Planners) (21/9/18 email + attachment)

Cover letter refers to renewal of existing licences (which is not the case as all are new applications). Habitats Directive issues are dealt with in Appropriate Assessment work done. Designated views across Loughros Mór Bay as identified in County Development Plan (2018- 24) do not include the proposed sites and will not be adversely impacted on based on my inspection of maps.

Archaeology – sites in question are close to Shanaghan Lough and are at least 200m inland and at least 600m from nearest point on site [REDACTED], 900m from nearest point on [REDACTED] and 1350m from [REDACTED] – I don't anticipate there is an issue given separation involved. Because of being a significant distance away the proposed aquaculture developments on Bay foreshore will not intrude visually or physically on these inland archaeological sites in my opinion.

Tourism/Wild Atlantic Way – most of proposed development sites have little or no visibility from WAW. The east part of site 405A is 950 metres away from Owenea Bridge from where it would be visible (briefly) to passing users of the R261; Visual impact magnitude in this mid-distance view would be low and likely to result in visual impact of no more than moderate scale significance in my opinion. Public views available elsewhere on the local road network would be in the slight to moderate range. Significant impact on tourism in the Ardara area is unlikely in my opinion.

My assessment is that the issues raised in the DCC (Planners) submission on the [REDACTED] applications would not be a basis for license refusal.

Irish Water (12/10/18 email + attachment)

In my 2018 reports on these applications I had recommended that Donegal County Council be consulted for their opinion on advisability of locating shellfish growing sites on Loughros Mór Bay (they had given guidance in 2002 advising against aquaculture development in the Bay – this was before provision of secondary treatment plant (in 2008) but in knowledge of proposed outfall point). Given transfer of responsibility for the sewerage schemes such opinion or guidance would now have to be sought from Irish Water (who have taken over the wastewater treatment utility for Ardara).

This submission made by Irish Water does not address the question of current suitability of the Loughros Mór Bay waters for proposed aquaculture. It provides information on distances from outfall to the various sites and suggests only that Department may wish to consider proximity of wastewater discharges when making a decision.

I had hoped that the significant issue of water quality suitability would be addressed in the Irish Water submission on the [REDACTED] applications. Ultimately it will be up to Minister to make the licensing decision on these applications but more specific guidance from those involved with wastewater treatment provision would have been helpful.

Note that the outfall to site distances as provided by Irish Water are incorrect. Our recent site surveys identified the outfall location 525m further to west than previously thought and located at south corner of site [REDACTED] Irish Water has since confirmed this is the case.

SFPA (2/10/18 email + attachments)

In my report on these applications (April 2018) and in report of Gráinne Duggan (2011) MED had stressed the importance of early consultation with SFPA for their opinion on advisability of locating shellfish growing sites in inner Loughros Mór Bay.

The submissions provided by SFPA on each of the [REDACTED] applications are brief and do not provide guidance on water suitability for shellfish growing – the letter states there is no aquaculture in place, there is no SHELLSAN/biotoxin monitoring in place and that responsibility for production of safe food rests with the producer.

As with Irish water submission I am concerned at lack of guidance available on the water quality issue from SFPA but accept that there is no data from monitoring programmes available to them at this point.

I note their recommendation that E coli monitoring and classification (and biotoxin monitoring) be done in advance of commencement of shellfish operations.

It is unlikely that DAFM can have sanitary survey, monitoring and classification of Bay waters done in advance of a licensing decision – these efforts are required by law for shellfish to go to market from an area that is actually growing shellfish.

The SPFA Code of Practice for the SHELLSAN programme states that for preliminary (provisional) classification of an area, at least 12 samples should be taken from each identified sampling point not closer together than fortnightly. This means that a six month period at least would be required with shellfish growing on the site on a test basis at least.

I expect that based on SFPA submission that a new licensee would have to accept an initial test period where a small number of test trestles only are put out on licensed site areas for shellfish flesh testing and biotoxin monitoring purposes – after which the licensee could proceed to develop the site areas (– unless the test results required closure for a period).

The shellfish testing outcome will lead to the classification process. In the case of a finding of Class A waters shellfish harvested can go direct for human consumption – if class B or C depuration/relaying or heat treatment of the shellfish would be required before going to market.

Irish fish producers organisation (letter 29/8/18)

This submission focuses on potential for impact of proposed aquaculture development on draft netting seaward of a line drawn from Rusheenroe Point to Ranny Point North.

It should be noted that the salmon fishery is in decline in recent years especially; numbers of fish surplus to conservation limit was 320 for the 2017 season (half of which were assigned to the commercial fishery in the estuary and the other half to anglers in the Owenea/Owentocker rivers) and it was zero in 2018 and in 2019 (rivers in Catch/release only category).

I think the IFPO overstate the scale of the potential problem. In reality the boundary line means that the outer (western) sites only could have an impact on the fishery – [REDACTED]

[REDACTED]
[REDACTED] That leaves only site

██████████ and west part of 405A which with proposed trestles in place might locally impede netting of salmon by boat – should it occur in those areas.

The counter argument could be made that neither site ██████████ 405A extends across the Bay or extends significantly into deep water and their development would still leave significant fishing width across the Bay unaffected by aquaculture. I would argue that impact on the salmon fishery is likely to be reduced further when the sites in question are reduced in extent (as they would probably have to be in any case (for other reasons)).

My assessment is that impact on salmon fishery would be limited in extent and significance. Some development of aquaculture east of the boundary line would have no impact and carefully sited development on the west side of the fishery boundary line could in my view still co-exist with salmon fishery without significant negative impact.

██████████ (letter 14/9/18 ██████████)

The proposed aquaculture development is on mobile sand substrate which itself is hardly of particular geological significance and is replicated over many other areas of the Bay and wider coastal area. The structures involved are surface structures and removable. There is no basis to suggest that geological evidence will be “irretrievably lost” if proposed aquaculture proceeds.

The proposed aquaculture sites are not on or near any recorded archaeological monument or site listed in the national database. Prior survey is not required in my opinion. Refer also to my comments on submission by Donegal County Council planners.

The pine tree remnants at Derryness Island are given major relevance by the author of this submission. The author of the submission does not identify the exact location of the pine tree stumps area at Derryness but suggests the location would be “completely covered by at least one” of the proposed farms. It needs to be pointed out that aquaculture structures would not in any case be placeable on areas with protruding tree stumps or in soft ground. I don’t anticipate that a difficulty would arise were any such overlap to occur between a licensed site and tree stump area as trestles or clam mesh would have to be placed to avoid obstructions or uneven ground where it might occur within a licensed site. The trestle and clam net structures themselves are temporary and can be readily removed if necessary. The sub areas that I recommend for site ██████████ to west of Derryness Island did not show visible pine tree remnants at surface on recent inspection surveys of that area by Marine Engineering Division.

The Spanish Armada vessel referred to went aground I understand at least 3km further to west of site areas under consideration (at mouth of Bay). Suggesting that cannon or munitions would have been buried in intertidal aquaculture development area seems an unlikely scenario to me.

The submission also refers to history of Loughros Mór salmon fishery – potential of impact on the fishery were addressed in my comments on submission by IFI and Irish Fish producers organisation.

In summary my opinion is that the proposed development of shellfish farms in the Bay should not require prior historical research as shellfish farming because of its proposed location within the Bay and its low physical impact nature will be unlikely to have a significant effect on local topography or on existing structures in the area (be they man made or natural). If as in this case the sites licensable will almost certainly have to be scaled back in extent (for other reasons) it appears to me that the grounds for the concerns raised by [REDACTED] would also be much reduced.

[REDACTED] objection ([REDACTED] 12/9/18)

Dealing with each of the 4 bullet points in turn, my observations are:

Special Area of conservation – impact consideration on the SAC is given in the Appropriate assessment.

Special Protection Area – impact consideration on the SAC is given in the Appropriate assessment.

Recreational use impact – most of the proposed development area is on foreshore with little overlap with recreational activity area – the exceptions would probably be the south end of Carn beach and low water channels in the estuary. With careful site area selection/area reduction it should be possible to ensure impact on the various recreational usages would not be at a significant level.

Aesthetic impact – landscape and visual impact that would occur on public views of site will I expect be no higher than moderate in significance.

[REDACTED] comments of 14/9/18 on T12/405A

1. *Application Form Information:* Trawnacasey is a reference to an identifiable geographic feature in the Bay and was used to help better locate the proposal for a reader familiar with the general area –Trawnacasey is clearly shown on O.S. maps of 1: 10560 and 1: 50000 scales. While [REDACTED]s correct to say that it is not a townland, I don't think the ad was seriously deficient in identifying the part of Loughros Mór Bay the subject of this application.

A proposed grading shed development on land does not require inclusion on an aquaculture licence application. It would be a separate development consent process.

2. *Access Roads* This applicant owns land adjoining the shore so if his proposed access route at west side of site 405A (Image 1 in submission) was not available to him (or is inaccurately drawn) he has direct access from his land elsewhere. ; 10m width refers to access width on foreshore likely to be impacted on – not the width of the actual roadway on land. Quality of L7773 road surface is poor and traffic generated by residential development on the road (new builds underway) won't have helped that situation. My opinion is that the L7773 road surface is similar in quality to many rural roads in coastal areas around County Donegal – it is neither exceptionally bad nor good - and requires ongoing maintenance. It is capable I

believe of sustaining some additional shore bound traffic should that be required by aquaculture development starting up. In the medium to longer term upgrading of the road would probably be required to support larger scale aquaculture development.

3. SAC – Appropriate assessment is done to the required standard, I expect.
4. *Recreational usage*; impact of aquaculture development can be kept below significant levels if confined to areas of the Bay which have little direct overlap with recreational activity
5. *Aesthetic impact* ; this will not be significant ; it will be at a lower level given low visibility of some areas and likely reduction in extent of sub-areas that might be licensable.
6. *Diminution of property value* – not relevant to this assessment.

[REDACTED]

- [REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

- [REDACTED]

- [REDACTED]

[REDACTED]

- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Consideration of water quality

In 2018 MED reports on these [REDACTED] applications [REDACTED] and in previous reports for this Bay we have stressed the important issue of water quality and questioned suitability of these waters for shellfish culture. I had expressed the hope in 2018 reports that Donegal County Council / Irish Water or the SFPA might give DAFM some guidance as to what areas of the Bay (if any) might be considered acceptable for shellfish culture in the context of upgraded secondary level treatment of the sewage discharge from Ardara town since 2008. The submissions made express concern and recommend monitoring but no clear guidance in terms of what areas would be acceptable has been ventured in the submissions made. Irish Water and SFPA do not rule aquaculture in or out in this Bay on water quality grounds.

While not recommended by any of the statutory consultees it seems to me that an exclusion zone for licensing aquaculture in the vicinity of a town sewage outfall would be a sensible approach – such licensing exclusion areas have been used elsewhere e.g. Carlingford and Omeath in Carlingford Lough. This approach of not licensing within a zone around a main outfall can be justified on the ground of expected low water quality in that zone.

Note that the survey information collected by MED in the Bay In January 2019 identified the primary outfall discharge point for Ardara sewage scheme to be at the south corner of site [REDACTED] - prior to this we had understood it was located some 500m further to east. We contacted Irish Water seeking clarification on the coordinates of the discharge point. They have confirmed that the outfall is at/close to coordinates 171679,391662 and discharges within site [REDACTED] as shown in map overleaf.

For shellfish farm licence application decisions DAFM will need to come up with a provisional exclusion zone around this outfall point – in principle it is not appropriate to locate shellfish farms too close to a live sewage outfall. Within that exclusion zone shellfish farming should not be licensed on a precautionary basis due to expectation of poor water quality where initial mixing of effluent with receiving waters takes place. It would not mean that water quality outside the zone is adequate – Shellsan programme testing etc. will still be required to establish same.

I suggest that the exclusion zone be defined by a circle of a suitable radius centred on the outfall point.

Based on the following information –

- discharge is continuous,
- discharge location is 171679, 391662
- exclusion zone radius 450m (as in Carlingford outfall case).

I have drawn my suggested exclusion zone (for water quality reasons) on the map overleaf.

It shows that significant portions of sites [REDACTED] (the sites closest to the outfall point) would fall within such an exclusion zone. The centre part of site 405A would also be affected by such a zone.

In due course if shellfish farming is licensed in this Bay and monitoring data becomes available the site areas will be classified in due course – and it may be appropriate at that stage to increase or decrease the extent of such an aquaculture exclusion zone.

Note that besides receiving water quality there are other reasons such as excessive depth, potential channel obstruction, access issues and impact on morphology that could recommend against shellfish farming in certain areas close to the Ardara sewage outfall point.

Conclusion

Based on my 2018 reports on the individual applications and as further informed now by the consultation submissions and most recent site survey work I have listed in the table below the significant issues that I think have most relevance to deciding on what areas(if any) of the [redacted] sites might be appropriate to licence at this stage. I also list minor issues which also will have a bearing on these decisions.

| Development Proposal Site ref | Significant factors constraining development proposal | Minor factors constraining development proposal |
|----------------------------------|---|--|
| [redacted] | [redacted] [redacted] [redacted] [redacted] | [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] |
| [redacted] | [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] | [redacted] [redacted] [redacted] |
| [redacted] | [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] | [redacted] [redacted] [redacted] |
| 405A | High elevation of much of site. Tide leaves for some 4 hours/tide. Proximity to Ardara main sewage outfall (impacts centre site area). Potential impact on Owenea river channel/outflow. | Site very large-trial site preferable. Soft ground in places. Access to foreshore impeded. LVIA moderate. Proximity to storm overflow discharge point from Ardara sewage scheme. |
| [redacted] | [redacted] | [redacted] |
| [redacted] | [redacted] [redacted] [redacted] | [redacted] |

Recommendations

My recommendations based on the information available at this point is that

- [Redacted]

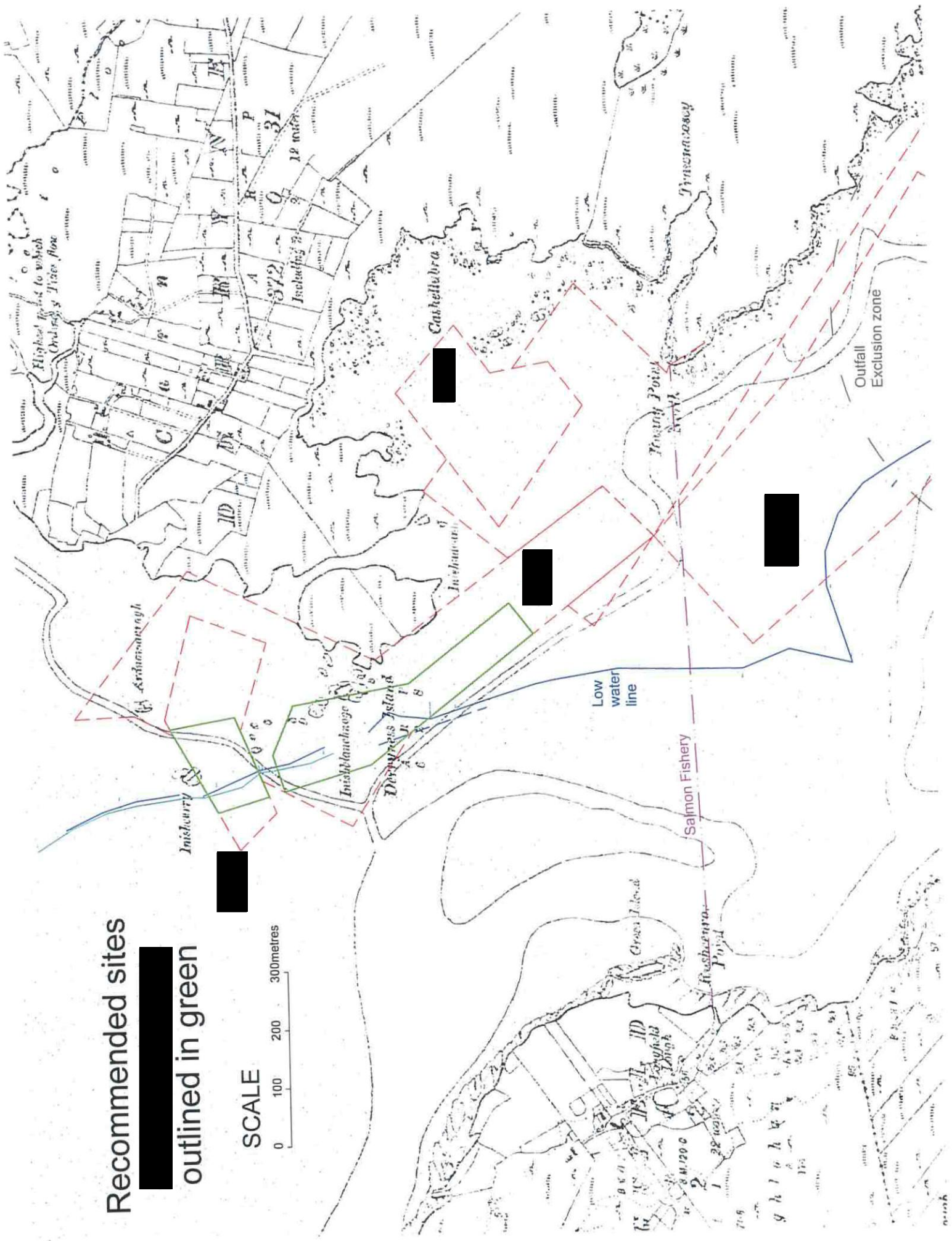
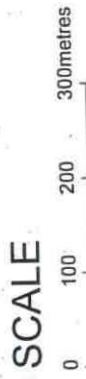
- [Redacted]

- [Redacted]

[Redacted]

- [Redacted]

Recommended sites
[redacted] outlined in green



- [REDACTED]
- [REDACTED]
- There is the likelihood of an appeal if site area is licensed in this Bay.
- Another possible approach that AFMD might consider would be to refuse to licence any of the [REDACTED] sites on the basis that *as applied for* they are not licensable. The applicants have the possibility of applying again for smaller more carefully selected areas if they are so minded.

Paul O'Sullivan

Paul O'Sullivan
4/2/19

OSullivan, Paul

From: OMahony, Jane
Sent: 15 November 2018 09:35
To: OSullivan, Paul
Subject: Loughros Mor - [REDACTED] T12/405A
Attachments: IFI - [REDACTED].docx; IFI - T12_405A.docx; IFI - [REDACTED].docx; Aquaculture Licences [REDACTED] T12/405A Ardara, Co. Donegal; Aquaculture applications in Loughros Bay; Aquaculture licences in Loughros Bay; RE: Consultation for aquaculture in Loughros Mór Bay; Aquaculture Applications: [REDACTED] T12-405 Loughros Mór Bay

Follow Up Flag: Follow up
Flag Status: Flagged

Morning Paul,

Please find attached consultee comments for Loughros Mor attached. Any comments or observations you have on these would be appreciated.
IFI comments did come in after the official deadline [REDACTED]

Thanks.

Kind Regards,

Jane O'Mahony
Aquaculture and Foreshore Management Division

—
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
National Seafood Centre, Clogheen, Clonakilty, Co. Cork, P85 TX47

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OSullivan, Paul

From: OKelly, Oisin
Sent: 21 December 2018 14:48
To: OSullivan, Paul
Subject: [REDACTED] response to public & stat consultation
Attachments: [REDACTED] Response to Pub and Stat Objections.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Paul,

Further to your conversation with Geraldine, I'm passing along [REDACTED] response to the public and statutory consultation in Loughros Mór Bay.

Mr Gallagher [REDACTED] had 3 weeks to respond for sites T12/405 [REDACTED] respectively which ends today. I believe it is unlikely we will get them by end of day, but I will update you if that changes.

[REDACTED]

Oisín O'Kelly
Executive Officer

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

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—

OSullivan, Paul

From: OKelly, Oisín
Sent: 10 January 2019 13:12
To: OSullivan, Paul
Cc: ODonovan, Geraldine
Subject: Loughros Mór Bay Objections - For your perusal
Attachments: Irish Fish Producers Org Objection.pdf; [REDACTED] Objection.pdf; [REDACTED] Objection T12-405.pdf; [REDACTED] Objection [REDACTED] Objection [REDACTED]; Donegal County Council Response.pdf; Irish Water Response.pdf; SFPA Consultation Response [REDACTED] T12-405.pdf; DHPLG Foreshore Comment; DCHG Response

Afternoon Paul,

As Geraldine mentioned yesterday I'm forwarding on some of the responses from the Public Consultation process.

[REDACTED]

[REDACTED] objection is raising the argument that the area is of historical significance and was objecting based on this.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Irish Fish Producers Organisation's objection raises their concerns that there is pre-existing fishing that cannot coexist with any trestles.

I've also reattached the objections from the Statutory Consultees for your convenience, keeping all information in the one spot.

Please let me know if I can help with anything else,

Warmest regards,

Oisín O'Kelly
Executive Officer

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

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To: Geraldine O'Donovan - DAFM
From: Francis O'Beirn, Marine Institute
CC: Terry McMahon-MI; Oisín O'Kelly– DAFM
Re: DCHG (NPWS) response to Loughros Mór Bay aquaculture applications
Date: March 28, 2019

The Marine Institute have been asked to comment on the submission from Department of Culture, Heritage and the Gaeltacht, National Parks and Wildlife Service (NPWS) to DAFM in relation to a number of licence applications in Loughros Mór Bay as part of the West of Ardara-Maas Road SAC. We have reproduced the NPWS comments below with our response immediately following.

In conclusion, we acknowledge the nature of the observations from NPWS and they do, in our view, raise some significant issues and, accordingly, we will revise the AA report to reflect the concerns highlighted. In addition, we will assess the likely interactions between conservation features and aquaculture sites not considered in the earlier version of the report¹.

NPWS Comments-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. 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.

¹ Marine Institute. 2016. Report supporting Appropriate Assessment of Aquaculture in West of Ardara/Maas Road SAC (Site code: 000197). Version: October 2016

MI Response: The comments from NPWS are noted. We do note that while the majority of the area proposed for aquaculture activities appears to be located high in the intertidal zone, there are certainly some lower shore areas that might be utilised and hence, may present a barrier to seal movement. We propose that if the Minister is minded to licence these sites that they be redrawn such that potential travel routes be avoided.

NPWS Comments - 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.

MI Response: We note the comments from NPWS. However, while we acknowledge that the mouth of the bay would be considered narrow, it is our view that the bay is not considered small or narrow particularly in the areas where the proposed aquaculture activities are proposed. Notwithstanding, the point with regard to restricted water flow is noted and may present a risk of restricting water exchange with concomitant impact on benthic communities upstream from the proposed activities. On this basis, it is recommended that the size of the sites be redrawn (as recommended above) to prevent impediment to water flow. This solution will also serve to mitigate the potential impact on harbour seal identified above.

The 'decoupling' of water quality conditions from benthic conditions is justified in this instance. The bay is shallow and subject to short residence time suggesting the retention of nutrient in the system does not present a risk. We propose that there are no likely in-combination effects between aquaculture activities and water quality issue that will result in harm to conservation features. Furthermore, the potential for shellfish to mitigate the effects of eutrophication (a consequence of elevated nutrients) in a system should be acknowledged.

NPWS Comments - 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.

MI Response: The observation is noted and the AA report will be revised to reflect this advice. It is also noted, in separate communications from NPWS, that individuals of Greenland White-fronted Goose apparently originating from Sheskinmore Lough SPA (004090) appear to utilize the intertidal areas in the bay. These events will be considered in the revised assessment report.

To: Geraldine O'Donovan - DAFM
From: Francis O'Beirn, Marine Institute
CC: Terry McMahon, Jeffrey Fisher-MI; Oisín O'Kelly– DAFM
Re: IFPO observations on Loughros Mór Bay aquaculture applications
Date: April 23, 2019

The Marine Institute have been asked to comment on the submission from Irish Fish Producers' Organisation to DAFM in relation to a number of licence applications in Loughros Mór Bay within the West of Ardara-Maas Road SAC.

In conclusion, we acknowledge the nature of the observations from IFPO and they do not, in our view, raise significant issues as they relate to the Natura Assessment. Notwithstanding, we have revised the AA report to provide clarification as to why we feel the any interactions between the fishery and proposed aquaculture operations have no relevance to the assessment process.

The concerns highlighted by IFPO relate, in the first instance, to the likely impact the presence of oyster trestles in the outer part of the bay will have on a draft net fishery for salmon. The assumption from the Marine Institute is that if such a fishery is permitted, then there are surplus salmon for harvest in the bay and the species is meeting its conservation targets. That trestles might impede the deployment of nets or navigation in the bay has no bearing on the conservation features of the SAC. Furthermore, it is important to note that the MI consider, in the AA report, other activities that might act in concert with proposed aquaculture activities to impact on the conservation features of the site. If it is found that the aquaculture activities are considered non-disturbing to conservation features, then the assessment will end there and the likely disturbance from other activities will not be relevant.

How the fishery might interact with bird features or seal features is presumably considered by the authorities overseeing this fishery during their assessment/licencing process?

Other issues highlighted in the IFPO submission as they relate to location of the fishery and the contents of the Draft Conclusion Statement are beyond the remit of the MI, specifically as it relates to production of AA reports.