

1. Mr John Campbell
Engineer Grade I

b/c 5/7/10

2. Mr John McHale
Assistant Chief Engineer

5/7/10

3. Mr Ronan O'Neill
AFMD

Re: T12/396A, Application by Donegal Oceandeeep Oysters Ltd (Mr Conor Reid) and Donegal Oysters Ltd (Mr Damien Reid) for Extension to an Existing Site in Donegal Bay, Co. Donegal

Introduction & Background

1. Our report dated 8th October 2009 refers. On 9th February 2010, in reply to our report, AFMD informed us that the application must be technically assessed because it was considered incorrect to judge the application against an understanding that pre-dated the Fisheries (Amendment) Act 1997. The understanding being the "line" that was created to limit westward spread of aquaculture at the Mountcharles side of Donegal Bay.
2. The line was created in light of the large number of objections received to the Reid's original aquaculture license application referenced T12/145. The then Minister, Mr David Andrews stated in correspondence to Ms. Mary Coughlan T.D. that "any aquaculture development west of the proposed clam farming sites would not be in the public interest". The existence of the line is well known to operators and the Department and it has been respected over the years.
3. In February 1999, the Department received an application from Damien Reid referenced T12/243 for part of this present application site and other sites in order to cultivate clams and oysters. Paul O'Sullivan's report dated 8th September 1999 refers. Site T12/243A, part of the existing application site, was not recommended for advertising because the site was located west of the line denoting the area where it was agreed by former Minister, Mr David Andrews, that aquaculture would be prohibited.
4. In February 2006, the Department received an application from Shane and Enda Travers referenced T12/371 for again part of this present application site to cultivate oysters. Gavin Poole's reports dated 20th July 2006 and 13th September 2006 refer. The site was not recommended because it was west of the line. Another site east of the line was recommended by this office to the applicants and subsequently licensed.
5. In relation to the significance of the line, Mr Gavin Poole's report dated 13th September 2006 found the line to be important to prevent westward development and consequently ensure a balanced development of the bay, revocation of the line would set precedent for westward development and make good bay management difficult, previous refused applicants west of this line (as above Mr Damien Reid and Mr Shane and Enda Travers, both applications received subsequent to the Fisheries Amendment Act 1997) would have been judged unfairly if the line is now revoked and the line protects interests other than aquaculture in the bay i.e. walkers, horse riders etc.
6. The site was inspected with one of the applicants, Mr Conor Reid. The original application was for oyster culture only, but on 18th April 2010, this office received a letter of amendment to the application stating the Tapes Semideccusattus or clams, cultivated under the protective mesh method, were to be included in the application.

Relevant Items

7. I concur with the conclusions of Mr Poole's report and feel that if the line were revoked, it would be contrary to good bay management notwithstanding the fact that it would be against a long-standing Ministerial commitment. The bay is at present well balanced in terms of commercial/recreational interest. Revocation of the line would tip the balance towards the commercial side and could result in less and less area available for recreational use in this scenic area should more aquaculture applications be submitted and subsequently permitted by the Department.
8. From a technical point of view the site is suitable for oyster and clam culture. The stratum is the same as the Reids existing sites, firm, flat and borders the main low water channel. To allow for the successful cultivation of clams the substrate must be firm and reasonably plane.
9. Mr Reid stated that half the site would be used for oyster culture and the other half for clam culture. For the trestles, based on a layout arrangement of 10 trestles per row with 0.5m between rows and 4m between each 2 rows, I have determined that the site could accommodate approximately 3,840 trestles, and at 50kg per trestle at harvest time, 192 tonnes of oyster could be yielded from half the site. Allowing for 50% mortalities, which having contacted the Marine Institute is the level of mortality they stated the Reids experienced on their neighbouring site due to the Herpes virus, the yield is reduced to 96 tonne. The original application, which was for oysters, gave a projected tonnage to be produced in Year 4 of 100 tonnes for the entire site. In reality half the site would be capable of producing almost 100 tonnes with mortalities accounted for.
10. With regards to the amount of clams that could be harvested from half the site, I have determined that based on 150m long nets at 1.5m wide spaced at 0.5m, it would be possible to accommodate 225no. nets on the site. Approximately 300no harvest size clams can be accommodated per square meter of mesh. Therefore it would be possible to yield 228 tonnes of clams from this site. The Herpes virus does not affect clams and therefore there would be no mortalities because of it.
11. Under the Classified Bivalve Mollusc Production Areas 2009, Donegal Harbour (Donegal Bay) is classified as Class B for oysters meaning that produce must be purified or relayed to meet Class A requirements.
12. The application site is inside the extents of the designated shellfish waters area, meaning that the water quality must comply with the requirements set out in SI 268 of 2006.
13. Should this site be permitted it would result in heavier use by tractors of the access routes across the shore. The application site is within an SAC and SPA and therefore the issue of an appropriate assessment would be relevant to this application.
14. A detailed Visual Impact Assessment would be carried out for this application subsequent to the public advertising stage should AFMD decide to progress the application. As an initial note, according to Mr Conor Reid, there are currently some 22,000 trestles on this area of Donegal Bay. The Reids operate most of the trestles. In my opinion, the addition of some 3,800 trestles would not significantly impact the present visual amenity of the area. It is also my initial opinion that the addition of this amount of trestles would not bring the application in to the realms of cumulative impact based on the width and the open nature of the outer bay. Clam nets are somewhat less visible on the shore than oyster trestles and would be covered by the tide quicker than trestles. They would appear as narrow lines on the shoreline from a distance away.

Conclusions

15. As per the findings of Mr Gavin Poole's report dated 26th September 2006, the line that restricts development along the west side of Donegal Bay in the Mountcharles area is significant in that it prevents westward development of the area and thus ensures a balance between commercial and recreational use of the bay thereby promoting good bay management. Revocation of the line would set a precedent for westward development and would result in the conclusion that previous applications for sites west of the line were judged unfairly. I concur with Mr Poole's findings and feel that if the line were revoked, it would be contrary to good bay management notwithstanding the fact that it would be against a long-standing Ministerial commitment. To revoke/change the line, the Department would have to demonstrate what has now changed to say that development west of the line is now, not contrary to the public interest.
16. Revocation of the line could lead to more and more applications for this area of Donegal Bay. Should such potential applications be successful, this would reduce the amount of foreshore available for recreational use in a scenic area of Donegal Bay and have visual impact implications especially when considering cumulative impact.
17. Should CZMD decide to progress the application, this office would subsequently carry out a detailed visual impact assessment.
18. Technically the site is suitable for the intended use i.e. cultivation of clams in nets and oysters on bags and trestles. I estimate that approximately 96 tonnes of oysters (with mortalities accounted for) and 228 tonnes of clams could be produced on the site based on a 50% split for each specie.
19. The site is in a SAC and the issue of an appropriate assessment is relevant to this application. NPWS views on the application would be important.

G. Duggan

Gráinne Duggan
Engineer Grade III

1st July 2010