

An Bord Achomharc Um Cheadúnais Dobharshaothraithe Aquaculture Licences Appeals Board



Donegal County Council
County House,
The Diamond,
Lifford,
Co. Donegal,
F93 Y622

26 May 2020

Our Ref: AP4/2019
Site Ref: T12/396

Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to refuse to grant an Aquaculture and Foreshore Licence to Donegal Oceandeeep Oysters Ltd. for the cultivation of Pacific Oysters using bags and trestles on the inter-tidal foreshore in Donegal Bay, Co. Donegal Site ref T12/396

To whom it concerns

I refer to the above appeals which are posted on the ALAB website at the following link:

<http://www.alab.ie/media/alab/content/boarddeterminations/2019/AP4-2019.pdf>

Pursuant to Section 47(1) (a) of the Fisheries (Amendment) Act, 1997, as amended, ("**the Act**"), where the Board is of the opinion that any document, particulars or other information is or are necessary for the purposes of enabling the Board determine the Appeal it may serve a notice on a party requiring that party to submit to the Board such documents, particulars or other information as are specified in the Notice.

The ALAB Board notes that the 2018 Donegal County Development Plan 2018-2024 states, in relation to aquaculture, that a balance must be achieved for the county, whereby:

- *"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",*

Objectives of the plan are:

"To protect, manage and conserve the character, quality and value of the landscape having regard to the proper planning and development of the area, including consideration of the scenic amenity

designations of this plan, the preservation of views and prospects and the amenities of places and features of natural, cultural, social or historic interest” and

“To protect the areas of Especially High Scenic Amenity from intrusive and/or unsympathetic developments.”

Chapter 10 of the Development Plans also states:

"The county has a strong aquaculture sector (e.g. Salmon, Oyster and Mussel farming) providing considerable local employment both onshore and offshore for coastal communities around the Donegal Coastline. Consent for aquaculture developments on the Foreshore and in coastal waters remain the remit of the Department and fish farming activities in particular require careful environmental management. However 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."

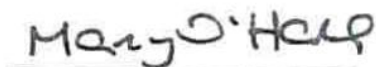
The Board notes that, as a statutory consultee, no observations were provided to the Minister in relation to the licence application for development on this Site. The Board acknowledges however that the consultation request from the Department of Agriculture, Food and the Marine is likely to have pre-dated the current Development Plan.

Having considered the information available to it, the Board has determined that it would welcome observation of Donegal County Council in relation to the appeal, in light of the provisions of the current Development Plan.

In accordance with section 47 (1) (a) of the Act, the Board requires this information within **30 days** of receipt of this letter. Please note that if the documents, particulars or other information specified above are not received before the expiration of the period specified above, or such later period as may be agreed by the Board, the Board will, without further reference, determine the appeal.

Please also note that a person who refuses or fails to comply with a requirement under section 47 (1)(a) shall be guilty of an offence.

Yours sincerely,



Mary O'Hara
Secretary to the Board