

Mr. Campbell, Divisional Engineer

*BJE 6/6/18*



Ms Sheila Kelleher, AFMD

**T12/396 Aquaculture licence application by Donegal Deep Ocean Oysters Ltd.  
Donegal Bay**

- A- Comments from public and statutory consultees**
- B- Landscape and visual impact assessment of site 396A**

**Submissions from public and statutory consultees**

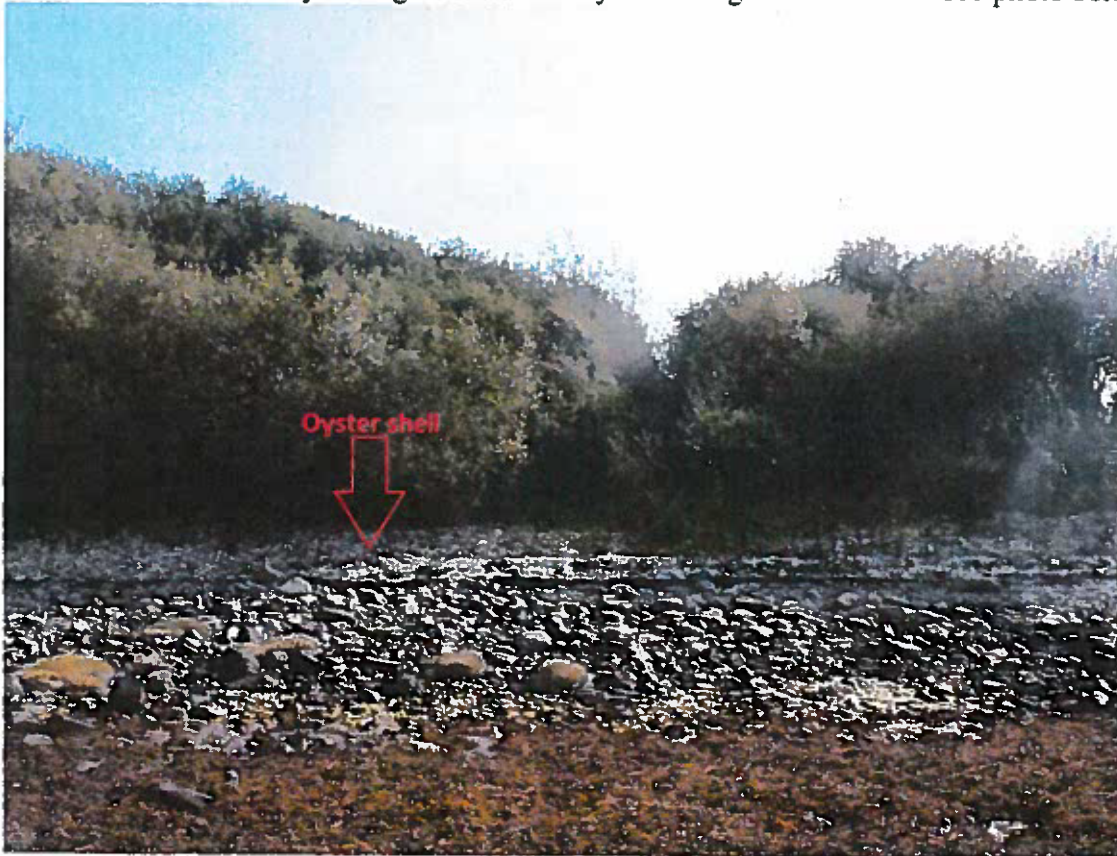
Emails and attachments from Ms Gill dated 15/5/17 and 12/6/17 refer (copies attached). These include submissions received by AFMD during the consultation process and the reply of the applicant. My observations on these documents are as follows:

██████████ email 4/4/17

Many of the issues raised in ██████████ email of 4/4/17 relate more to the other nearby oyster site application ██████████. There are 3 issues which do relate to site 396A or to the wider (existing) oyster farm at Mouncharles and I will comment on these issues as follows :

*Shell disposal*

There was a significant quantity of waste shell deposited on the upper shore to the northeast of the main farm a few years ago. It was mostly above high water mark – see photo below.



Some of the waste oyster shell deposited above high water mark near oyster farm Mouncharles (west side of Ball Hill)  
30/9/15

The large volume of shell had arisen due to large scale red tide related mortalities in the previous year. The disposal method was not ideal and not authorised by this Department – I am not aware of any specific damage. The response letter of 11/5/17 from the applicants suggests that alternative disposal options might be available to them.

On the specific question are there licence condition governing waste shell disposal, the answer is no - but there are conditions relating to injury to adjacent lands (3.8) and disposal of waste products (3.18) which could be relied on if there was a repeated or significant issue. In this case I think the problem was confined to a particular period and is not continuing.

#### *Curtailling oyster farm area*

Mr [REDACTED] recommends that oyster farming be confined to area between the Warren and the Hassans ie that it not extend any further westwards towards nearby amenity areas. Marine Engineering Division (MED) concur with this opinion; refer to G. Duggan report of 1/7/10 (and other earlier reports from MED) where extension of oyster farming westwards of the current farm position is not recommended for reasons of good bay management and maintenance of foreshore area available for recreational use.

#### *Maintaining a clear channel for small boat access*

There is an access corridor immediately to east of sites [REDACTED] and [REDACTED] (west of [REDACTED]) which is available for transporting boats down to the low water channel. The corridor is a narrow one but is available. A slipway is available at Mountcharles pier.

#### Email dated 12/4/17 Development Applications Unit

This email deals mainly with [REDACTED]. No further comment is made on the additional survey work done for T12/396. Note that the Sept 2015 Atkins Report on Monitoring Sanderling populations within Donegal Bay SPA concludes that the southern section of 396A should not have trestles placed on it and it recommends a precautionary approach in relation to the remainder of the site – the area is deemed to have significant sanderlings that use the site and the risk of significant disturbance by licensing oyster culture there cannot be discounted

#### Applicant response letters of 9/5/17 and 29/5/17

The focus of letter of 9/5/17 is on development plans for the oyster farm and mentions lack of objections raised. It does not address queries raised by Mr. [REDACTED]. The letter 29/5/18 gives the applicant's interpretation of the Atkins sanderling monitoring report but uses selective extracts and makes unproven claims of no past negative impact. It does not alter the findings of the Atkins sanderling report that southern half of site 396AA is definitely off limits for trestle placement and there are concerns about northern half (precautionary approach recommended).

#### Landscape and visual impact assessment of site 396A

Report of Grainne Duggan dated 1/7/2010 (copy attached to this report) refers. In that report it was proposed that a detailed Landscape and Visual Impact Assessment (LVIA) would in due course be carried out by this MED office – this to be done subsequent to the public advertising stage. The need for assessment of visual impact and amenity impact prior to a



licensing decision was also stated in the conclusion of the EIA screening assessment completed in June 2014 by DAFDM for application T12/396.

The LVIA has now been completed. It followed the DMNR Guidelines for Landscape and Visual Impact Assessment of Marine Aquaculture (2001) and it is summarised in this report as follows:

### *Zone of Visual Influence*

The zone of visual influence of site 396A is shown outlined in red on A3 size map overleaf. Short distance public views (<500m distance) of the development site occur at the Warren Beach area to the north of the site. Elsewhere public views of the site are mid –distance views from foreshore at Holmes Beach and Summerhill, from Jacks Quay amenity area and pier road to the west of the site and from the Murvagh peninsula to the east.

### *Important viewpoints*

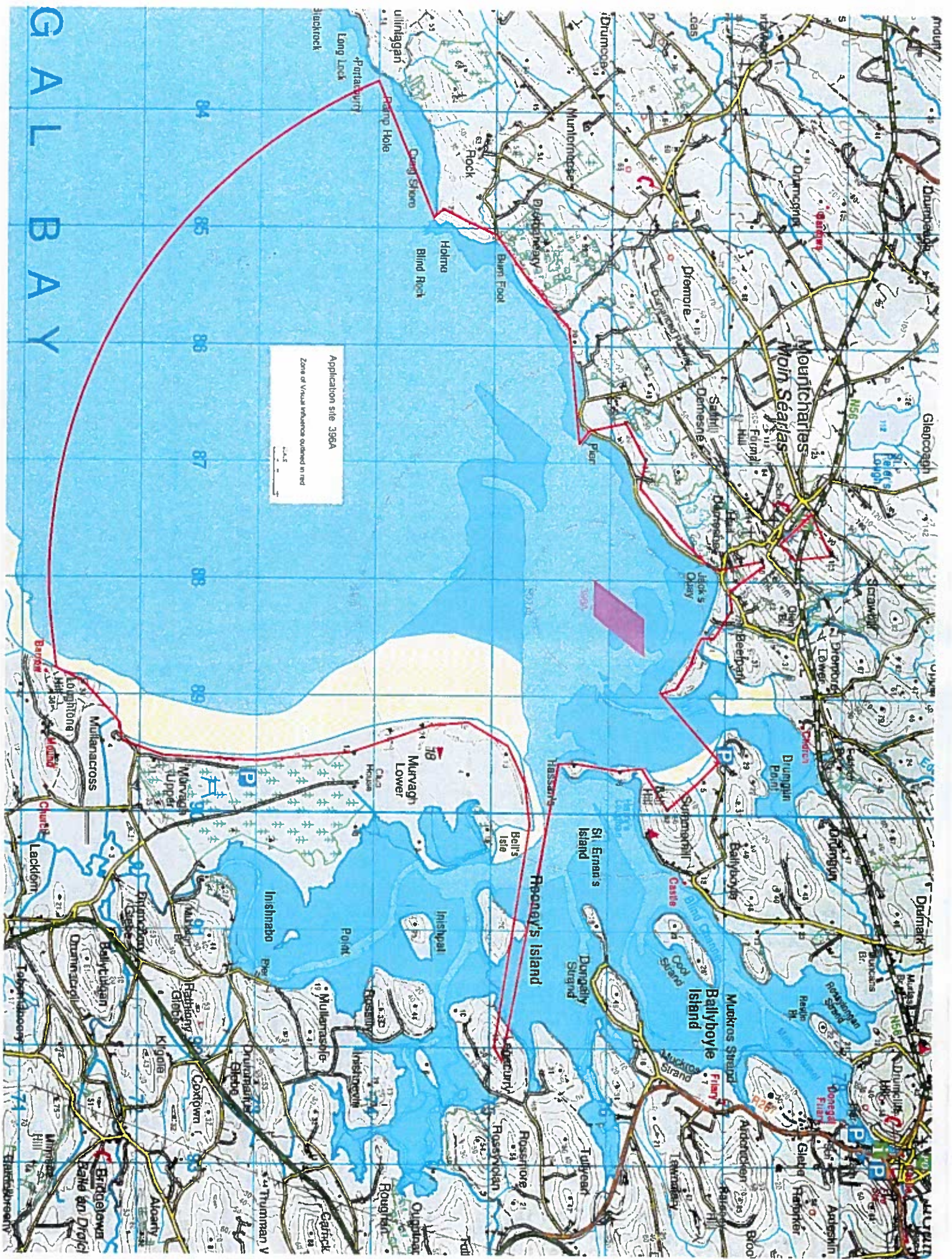
Critical public views are those at the Warren beach area and at the Jacks Quay amenity area – these are locations of significant amenity usage and where prolonged viewing opportunities of the proposed development site at low tide are possible. The Jacks Quay area is a locally popular park up and amenity/walking area. It has a number of benches and grassed picnic area. The nearby beach offers opportunity for paddling and water based amenity. The Warren Beach is used regularly for amenity walking (is used throughout the year with user numbers higher in summer). There is a public right of way along a lane to the Warren and an informal park up area on its west side. Vehicles may also be driven onto the beach – this happens mainly in summer.

### *Sensitivity of views*



The areas of Especially High Scenic amenity are shaded in dark green. The proposed site is outlined in red and important viewpoints at Jacks Quay and Warren Beach are marked.





GALLBAY

Application site 396A  
 Zone of Visual Influence outlined in red



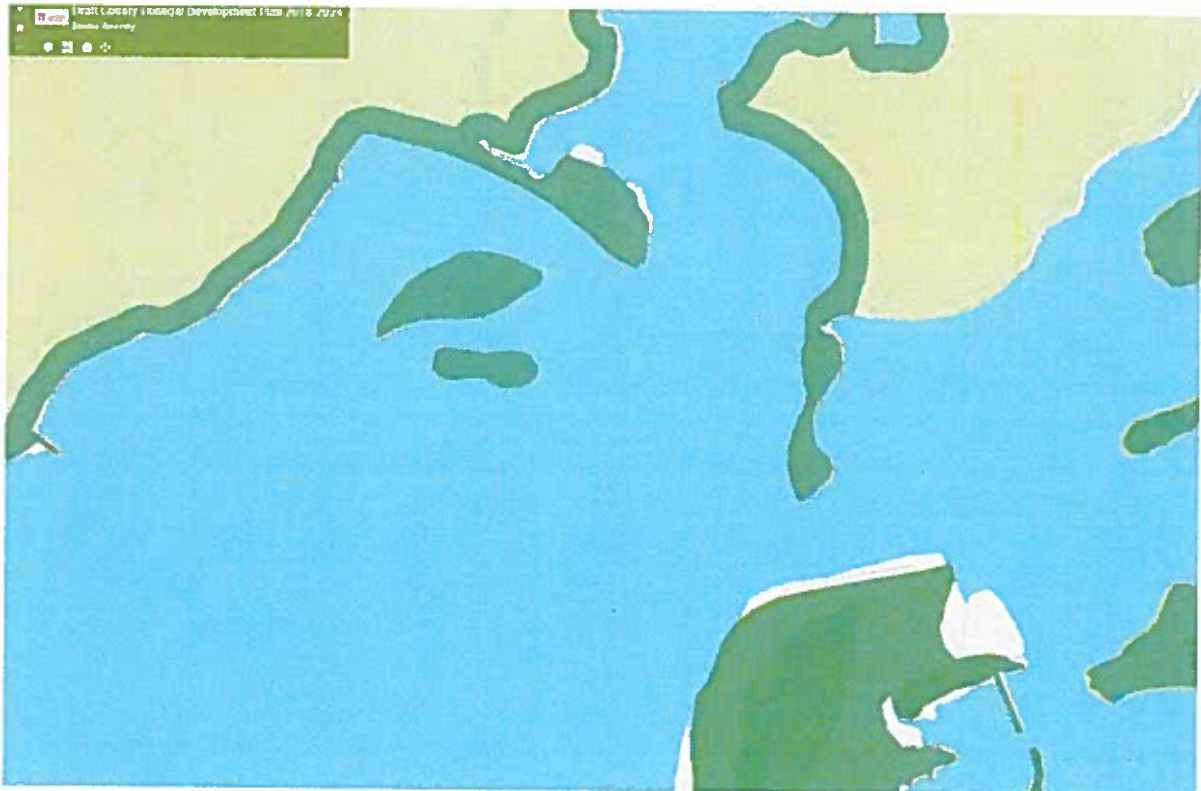


The aerial view image used above in this report is based on an extract from Scenic Amenity map of County Donegal Development Plan 2018-24 which is available on the Donegal County Council website.

Note that areas designated as being of Especially High Scenic Amenity include the following locations:

- 1) A coastal strip above HWM (and roughly 125m wide) that follows all of the shoreline around the Eddrim River estuary as well as the shore from Jacks Quay to Salt Hill/Mountcharles pier on west side of the Bay.
- 2) The Murvagh peninsula to southeast of site and the Rabbit Warren area to northeast of site
- 3) Two intertidal areas on the lower foreshore which overlap directly with proposed oyster farm site 396A.

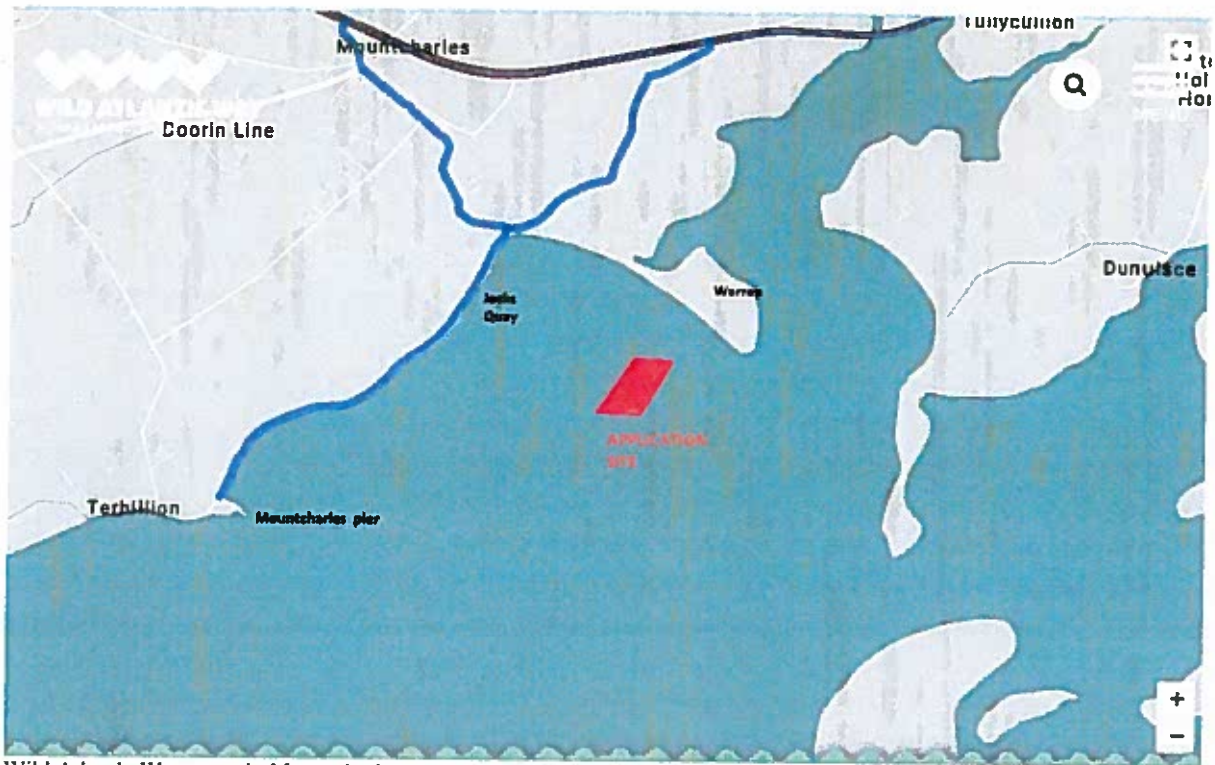
Inland of the coastal strip the scenic value of the land area reduces to High Scenic Amenity area (middle category of 3 used).



Areas of Especially High Scenic amenity are shaded in dark green : shaded light green are areas of High Scenic Amenity Value; White areas are of Moderate Scenic Amenity.

There are no designated views (as specified in the Country Development Plan) overlooking the site.

The local road from Jacks Quay to Mountcharles Pier is a side spur of the Wild Atlantic Way Route ( see map extract overleaf) and this has generated more visitor traffic on the road including camper vans overnighing at Jacks Quay in recent years.



Wild Atlantic Way route in Mountharles area of County Donegal shown by blue and purple lines

Based on examination of the County Development Plan information it may be concluded that views of the site from the Warren Beach will be across/onto areas of especially high scenic amenity and from the Jacks Quay area will be both from within and across areas of especially high scenic amenity. Viewers at both locations are likely to have higher than usual scenic amenity expectations because of location as well as their involvement in amenity activities at these locations. Visual sensitivity of the viewpoint receptors at Jacks Quay and at the upper beach at the Warren are therefore considered to be High in this assessment.

#### Magnitude of visual impacts

Visualisations were prepared to assist in determining the magnitude of visual impact that would be likely to result from proposed development of site 396A for trestle based oyster farming. DMNR Guidelines for Landscape and Visual Impact Assessment of Marine Aquaculture (2001) were used. The visualisations were produced using AutoCAD and take account of the drawings for trestles and proposed trestle layout submitted by the applicant with the completed application form. Base images were 50mm focal length images taken with digital camera from the critical viewpoint locations on 25/5/18.

	Irish National Grid	
	Easting	Northing
Upper Beach at the Warren	188751	376549
Jacks Quay public seating area	187818	376752

The “before and after” visualisation exercise results are included in this report (see following pages).

For the Warren Upper Beach viewpoint, the visibility of the development is expected to be significant at low tidal stages, the number of viewers affected will be most amenity users at that location at low tidal stages, the viewing distance is short and the degree of intrusion in



View to southwest from upper beach at Warren -existing oyster farm at left hand side

25/5/18



View to southwest from upper beach at the Warren - site 396A fully developed





View to southeast from Jacks Quay amenity area - existing view

25/5/18



View to southeast from Jacks Quay amenity area - site 396A developed



the field of view/on intertidal areas of especially high scenic amenity in view is at least moderate – the finding is of high magnitude of impact from the viewpoint coordinates chosen where the proposed development intrudes across the full view of the open sea. It can be argued however that magnitude of visual impact would be somewhat less at points further west and east where the line of view would be angled across rather than midway through the proposed site. In the assessment allowance is made for rough stone foreshore intervening between the farm and the upper sandy beach the effect of which is to reduce the farms magnitude of impact on viewpoints located at the upper beach. Conversely from lower elevations on foreshore (with no intervening stone area in foreground) the impact magnitude would be higher. The range of magnitude of visual impact on the south facing views for viewers walking along the south shore of the Warren – from car park to its western end ranges moderate to high and taking an overall average my assessment is that moderate magnitude of visual impact is the outcome.

For the Jacks Quay viewpoint, the visibility of the development is lessened by the background of the existing licensed oyster farm area, the number of viewers affected will be most amenity users at that location at low tidal stages, critically the viewing distance is middle distance ( rather than short distance) and the degree of intrusion in the field of view is low (although intruding on the intertidal areas of Especially High Scenic Amenity within that view). My findings at Jacks Quay area are magnitudes of visual impact ranging in low to moderate range .- Overall I conclude magnitude of impact from typical Jacks Quay viewpoints would be closer to the low rather than moderate category of the range.

*Significance of visual impact*

Applying the matrix of sensitivity and impact magnitude and using the terms of impact significance as specified in the DMNR Guidelines for Landscape and Visual Impact Assessment of Marine aquaculture (2001), I arrive at the visual impact assessment results given in the table below:

Viewpoint	Sensitivity of Visual Receptor	Magnitude of change	Significance of Visual Impact
Upper Beach at the Warren	High	Moderate	Substantial
Jacks Quay public seating area	High	Low	Moderate

Impact mitigation by say screening is not possible from the open beach area of the Warren Tree screening at Jacks Quay might in theory be an option but would obscure existing seascape views and be a retrograde step.

*Significance of landscape impact*

Moderate landscape sensitivity combined with low magnitude of landscape change expected as a likely result of the proposed development would give a result of slight landscape impact significance.

*Cumulative impact issues*

Cumulative impact outcome are not expected to vary from the individual site impact results for these particular viewpoint locations. The existing oyster farm development may to some extent be considered in this exercise to be already established in the local landscape and is

allowed for in pre-development baseline images in the assessment of visual impact from the critical viewpoints. It is probable that for points further west on the Warren Beach that the enclosure effect of further oyster farm development to the west of the existing farm could cause an increase in cumulative visual impact on views to the west and west south west but these are not considered to be as critical in this assessment given that the farm has been established at that location for 20 years. I anticipate moderate scale cumulative impact significance towards the west of the Warren upper beach. The other current application site [REDACTED] should also be considered for possible cumulative impact effects – site [REDACTED] does not appear in the view southwest from the Warren viewpoint and it would be of only minor background impact for the view from Jacks Quay.

### Conclusion of LVIA

The visual amenity of the Warren Beach / Jacks Quay areas is of importance for local and visitor users. It is likely to be impacted negatively by expansion westwards of the existing oyster farm.

The visual impact of the proposed development of site 396A from the Warren Beach viewpoint (and amenity area) is predicted to be of substantial significance. The visual impact predicted from Warren Beach area is not amenable to mitigation. Visual impact significance from Jacks Quay amenity area is less and is expected to be of moderate significance.

Landscape impact significance of the proposed development is predicted to be slight.

In the LVIA guidance the prediction of very substantial or substantial landscape and visual impacts may offer grounds for refusal of an aquaculture licence application. In this case given the value of the amenity area of the Warren Beach for recreation and impact mitigation not being possible the finding there of substantial visual impact significance would be a strong basis for refusal of consent for the proposed development.

### Overall recommendation on application T12/396

The conclusions of this LVIA and the appropriate assessment findings (as updated by the 2015 sanderling survey) give grounds for concern about impact of this proposed development on the foreshore of Donegal Bay at Mountcharles.

The conclusions indicate that the value of the nearby foreshore area for existing beneficial usages (amenity and wildlife) would be significantly reduced were the oyster farm to extend westwards by 300m (as proposed in the application to develop site 396A).

The LVIA conclusions and the Appropriate Assessment outcomes would both support continued application of a 'dividing line' separating areas of aquaculture and amenity/bird usage in the locality. In this case the division line specified in the early 1990s which runs along the western boundary of the existing oyster farm area should continue to be observed in this area of Donegal Bay. Based on the assessments carried out it may be expected to



continue to provide a reasonable balance between competing foreshore usages – wildlife, public amenity and shellfish aquaculture.

I recommend that this licence application be turned down.

*Paul O'Sullivan*

Paul O'Sullivan

30/5/18

## **OSullivan, Paul**

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**From:** Maher, EileenM  
**Sent:** 12 June 2017 11:25  
**To:** OSullivan, Paul  
**Cc:** Gill, Karen  
**Subject:** T12/396 & [REDACTED]  
**Attachments:** T12 396 [REDACTED] response.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Paul,

Please find attached response with regard T12/396 & [REDACTED] in reply to observations from Dept Arts, Heritage and Regional Affairs as per email from Karen Gill on 15<sup>th</sup> May.

Kind Regards,

Eileen Maher  
Aquaculture and Foreshore Management Division  
Dept of Agriculture, Food and the Marine  
National Seafood Centre  
Clonakilty  
023-8859505  
email [eileenm.maher@agriculture.gov.ie](mailto:eileenm.maher@agriculture.gov.ie)



DONEGAL BAY



DONEGAL OCEAN  
DEEP OYSTERS LTD.

E:

Ms Karen Gill  
Aquaculture & Foreshore Management Division  
National Seafood Centre  
Clogheen  
Clonakilty  
Co. Cork

29<sup>th</sup> May 2017,

Ref: T12/396

Dear Ms Gill,

I refer to the above, my previous correspondence and the email received by your Department from Mr Simon Dolan - Dept of Arts, Heritage, Regional and Gaeltacht Affairs.  
I have read the variety of reports now completed regarding the sanderling populations in our bay and in particular the latest one by Aitkins Global  
Please see some of the observations & quotations below:

*" There are two broad areas of particular importance  
The southern one is centred in the Bundoran Tullion Strand  
The northern one is centred in Murvagh "*

*" Census counts do record birds in Mouncharles but to a lesser extent "*

*"Target prey in Mouncharles/Eddrim seems to be less clear "*

*" Sanderling numbers appear to be relatively stable in Donegal SPA "*

*"there were no observations of birds in the northern part of T12/396A "*

*"the January flock remained in the application area briefly before continuing to forage in the  
licence aquaculture area to the south east "*

The Conservation objectives also note:

*"there is no evidence that the development of the inter-tidal oyster cultivation at  
Mouncharles has affected the long-term population trends of Sanderling flocks utilising  
Donegal Bay SPA "*

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It is clear from all observations and studies to date the operation of my farm within Donegal SPA/SAC has had no negative impact on the habitat requirement or directly on the sanderling populations. I can state this as fact as I have been here for over 25 years as have the sanderlings. This will continue to be the case with these new applications. I therefore feel justified in asking the Department to give serious consideration to granting both licence applications. Please consider the contents my previous letter of 9<sup>th</sup> May, in particular the points in relation to the economic benefits and the investment program we are currently undertaking.

In conclusion, there is no better opportunity for the Department to demonstrate its continued support for a local company engaged in the production of entirely sustainable seafood. This is a resource the EU and world markets desperately need going forward. It would be doing so with a company that has been farming shellfish on this site since 1988. It is now the largest and most sustainable activity ever to generate livelihoods in the history of Donegal bay. It is fully compliant and is acutely aware of all the sensitivities of the SAC SPA Natura framework. The Department would be doing so in a county which suffers from the highest unemployment and emigration rates in this country. It would be doing so in a county which will be decimated furthermore by the upcoming BREXIT process. Quite simply you cannot afford to let any opportunity for job creation or wealth generation pass especially one with a clear track record and of a clearly benign environmental nature.

I would greatly appreciate a chance to demonstrate our operation at first hand with a visit to our site on any of the coming tides by any member of your organisation. I feel this would put all my correspondences in clear perspective and is an opportunity your Department must seriously consider given all that is at stake for me. The next suitable dates run from 6<sup>th</sup> to the 15<sup>th</sup> of June.

Yours sincerely



Donegal Ocean Deep Oysters





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[www.dttas.ie](http://www.dttas.ie)



An Roinn Iompair  
Turasóireachta agus Spóirt

Department of Transport,  
Tourism and Sport

Department of Transport, Tourism &  
Sport,  
Marine Surveyors Office  
Irish Maritime Administration  
Centre Park House  
Centre Park Road  
Cork  
T12 RKON

Tuesday, 23 May 2017

Aquaculture and Foreshore Management Division  
Dept. of Agriculture Food and the Marine  
National Seafood Centre,  
Clonakilty  
Co. Cork

Attention: Ms Karen Gill

Dear Ms Gill,

Your Ref: T12-396, Oysters, Donegal Bay

Application for an Aquaculture and Foreshore Licence

- This office has no objections from a navigational viewpoint to the above application.
- In order for charts and nautical publications to be updated the applicant is required to inform the British Admiralty Hydrographic Office at Taunton , UK, of the location and nature of the site.

(Fax:0044 1823 284077, email : [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk))

- **The applicant is required** to apply to the Commissioners of Irish Lights (Fax: 01-2715566, email: [info@irishlights.ie](mailto:info@irishlights.ie)) for sanction to establish and agree the following lights and marks:

A yellow pole with a yellow St. Andrews cross as topmark is to be located at the four corners of the site. The topmark to be visible at all stages of tide at a height of two metres above the water.

T.C. O'Callaghan (Capt.)

Nautical Surveyor

cc Commissioners of Irish Lights, Ms Deirdre Lane, [deirdre.lane@irishlights.ie](mailto:deirdre.lane@irishlights.ie)

**OSullivan, Paul**

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**From:** Gill, Karen  
**Sent:** 15 May 2017 12:04  
**To:** OSullivan, Paul  
**Subject:** Reply to comments at public and statutory consultation  
**Attachments:** T12 396 etc response to p and s consult.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Paul

Please see attached comments from public and statutory consultation and the reply from the Reid Brothers.

Regards  
Karen Gill

Karen Gill  
Aquaculture & Foreshore Management Division Dept. of Agriculture Food and the Marine National Seafood Centre  
Clogheen Clonalilty, Co. Cork P85 Tx47

Telephone: 023 8859586

Email: [Karen.gill@agriculture.gov.ie](mailto:Karen.gill@agriculture.gov.ie)

Donegal Aquaculture Services Ltd



Ms Karen Gill  
Aquaculture & Foreshore Management Division  
Clogheen  
Clonakilty  
Co.Cork.

11<sup>th</sup> May 2017

Ref.No. [REDACTED] licence application Donegal Bay by Donegal Aquaculture Services Ltd

Dear Ms Gill,

I refer to the above and the associated comments.

I was pleased to see no statutory objection or negative comments regarding same.

In relation to the objection received by your department from Mr [REDACTED] I would like to make the following points

1, 2, 3 & 4.

The area in question was mapped with the local Engineer to ensure that it occupied the lower parts of the Murlas river channel as it exits the bay. It was reduced in size from the original application primarily for this reason. The Tidal height is quite high here actually as it comes in over the lower channel areas. It has the same coverage at Mean Low Water Spring as T12 /145 for example. During the Summer months it is not the area used for swimming as the current can be quite strong on a flowing and ebbing tide. Trestles placed and farmed in this area would pose no health & safety risk as with any other trestle currently being utilised by the company in the bay. People on occasion walk out to see our oyster farm as part of their visit to the shore and this has never posed any health and safety risk.

5.

All our oyster shells are supplied to Anua Ltd. (Bord na Mona environmental subsidiary) where it is used as the primary raw material in building air & water treatment systems. We are also currently running a R&D program with Sligo Institute of Technology regarding other potential uses for shell in the future.

I would very grateful if your Department would give serious consideration to granting this licence. It is an area which would be easily assimilated into our current farming operations without any significant impact on any other users. It will be easily managed especially given its proximity to our new grading facility currently being completed at Summerhall, Donegal Town.

Yours sincerely

Conor Reid  
  
Damien Reid

Donegal Aquaculture services Ltd.





**DONEGAL OCEAN  
DEEP OYSTERS LTD.**



Ms Karen Gill  
Aquaculture & Foreshore Management Division  
National Seafood Centre  
Clogheen  
Clonakilty  
Co. Cork



9<sup>th</sup> May 2017,

Ref: T12/396

Dear Ms Gill,

I refer to your correspondence regarding the above and the attached comments from the recent public & statutory consultation process.

I was very pleased to see no objections or negative comments in this regard. I feel that this a strong endorsement of the manner in which we have build up our farm over the past three decades to co-exist harmoniously with all other users of the bay. It is also very encouraging to read the submission by the Marine Institute and other statutory bodies. There is now a clear recognition of the benign and sustainable nature of our farming activities within our Special Area of Conservation as evidenced by the Appropriate Assessment process in determining the relevant conservation objectives under the Natura 2000 framework.

In economic terms granting this licence makes perfect sense as it essentially supports a local company which is export driven in a county which currently endures the highest emigration & unemployment rates in the country. It will create an additional 8 to 10 full -time jobs directly at production level alone. These jobs will be located at our new state of the art handling/grading facility which is currently under construction with an investment of €1.4 million euros . It has full support from the Department and the EMFF under the Sustainable Aquaculture Program and will be operational by the end this year. The company will have all the necessary machinery in place to seamlessly carry out the increased grading requirement as production from the new licence would come on line.

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The increase in production will also create a 'critical mass' opportunity critical for consistent year round supply of all grades in the marketplace . This has been the single limiting factor for any meaningful Irish oyster brand development within the worldwide value added sector to date. The company has land directly adjacent to its current new facility which will be used specifically for construction of a packing/purification unit to exploit this potential effectively in the very near future . This will create an additional 20 jobs at least and will finally complete the full integration of all aspects of the supply chain from farm to market . This has been the long-term strategic vision for this company from the very beginning.

I would therefore be very grateful if your Department would strongly consider granting this licence. It simply represents a bolt on expansion of an existing production block and would contribute greatly to the continued development of our operation. Our company has proven track record, is second to none in experience and we will integrate this new area into our current farm management and processes without any negative impact whatsoever.

Any further information you may require please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Samuel', written over a horizontal line.

Gill, Karen

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From: [REDACTED]  
Sent: 04 April 2017 21:37  
To: Gill, Karen  
Subject: Aquaculture licence application [REDACTED] Dnegal Bay

Dear Karen

I refer to the above-mentioned licence application which I understand is currently out for public consultation and after reviewing the map attached to the proposed licence application I wish object to this application for the following reasons:

1. The area marked on the map (Ref: [REDACTED]) is encroaching into the bathing area at the Holmes beach which is widely used by the local community during the summer season as the beach is considered to be safe due to the shallow waters.
2. With the exception of high tides, the water depth in the area to where this application refers is quite shallow and hence if the application is granted there is a health and safety risk to members of the public swimming in the vicinity of the submerged metal trestles.
3. The area outlined in red on the map attached to the application Ref: [REDACTED] differs in shape to the map of the proposed layout of trestles also attached to the application so it is unclear as to which is the actual extent of the area to which the application refers.
4. The area to which [REDACTED] refers generally follows the line of the narrow existing channel where the water depth is slightly deeper. This channel is often used by members of the public as an area to go swimming in as the tide is coming in and if this application is granted this practice will no longer be possible.
5. At present there is a very large deposit of oyster shells deposited along the shore line East of plot [REDACTED]. During storm periods many oyster shells are washed onto the beach and surrounding low laying lands. This was particularly evident during the storm experienced in November and December 2015. These oyster shells are usually broken and have sharp edges and are a danger to the public and animals. If this application along with other applications e.g. T12/396 and possible future applications are granted is it intended that this practice will continue and if so where does it stop? Are there any condition attached to such licence applications that relates to where waste oyster shells can be dumped.

I would like to make it clear that I do not object to the Bay being used for oyster farming but I do believe that the interests of the general public and local landowners need to be considered. It is therefore important that this local beach is protected and continues to be a safe environment for the local community to use as an unspoilt amenity.

Consideration should be given to ensuring that oyster farming is curtailed to an area beyond the point of the Rabbit Warren stretching over to the Hassan's.

In addition consideration should also be given to maintaining a clear channel from the outer bay into the Holmes beach to facility access for small boats, rowing boats, canoes etc.

I trust that the above comments will be taken into account when the application is being considered.

Regards

[REDACTED]



Gill, Karen

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From: Murphy, Mike [Mike.Murphy@bim.ie]  
Sent: 21 April 2017 18:30  
To: Gill, Karen  
Subject: RE: 2 AQ licence applications in Donegal Bay t12/396 & [REDACTED]

Dear Karen,

Re: Licence Applications in Mountcharles-Eddrim area of Donegal Bay, Co. Donegal;- Donegal Oyster Ltd & Donegal Oceandeeep Ltd., for oysters on bags and trestles on site T12/396 and for Donegal Aquaculture Services Ltd., for oysters on bags and trestles on site [REDACTED]

Following internal consultation within BIM, the aquaculture division and our Regional Development Officer, and Inshore Fisheries officer, BIM are satisfied that the proposed operation does not conflict with any other aquaculture or inshore fisheries interests in the area.

We have no objection to the application.

Regards

Mike Murphy

[REDACTED]

Colleagues

Please find attached notification in relation to 2 aquaculture licence applications in Donegal Bay. The link is as follows

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

Regards  
Karen

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 ceanglám leis, faoi phribhléid agus faoi rún agus le h-agmaigh an seolaí amháin. D'fhéadfadh ábhar an seoladh seo bheith faoi phribhléid profisiúnta nó dlíthiúil. Mura tusa an seolaí a bhí beartaithe leis an

**Gill, Karen**

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**From:** Foreshore EPA Marine [fem.dau@ahg.gov.ie]  
**Sent:** 12 April 2017 10:19  
**To:** Aquaculturelicensing  
**Subject:** Aquaculture Licence applications T12/396 & [REDACTED] in Mountcharles-Eddrim, Donegal Bay.

**Re: Aquaculture Licence applications T12/396 & [REDACTED] for the Cultivation of Pacific Oysters using bags & trestles in Mountcharles-Eddrim, Donegal Bay.**

A Chara,

On behalf of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs I refer to the above.

Outlined below please find the Nature Conservation observations.

This Department welcomes the opportunity to provide observations concerning the two licence applications (T12/396A and [REDACTED] to undertake aquaculture activities within Donegal Bay (Murvagh) SAC (000133) and Donegal Bay SPA (004151).

The Department acknowledges the additional survey work that has been undertaken in relation to sanderling monitoring<sup>[1]</sup> after concerns were raised by this Department upon review of the Appropriate Assessment.

Providing the management/mitigation measures, as outlined in the updated conclusion statement<sup>[2]</sup> are fully applied and on the assumption that at least 50% of the area of [REDACTED] is not licensed (the conclusion statement says "the most southern portion of this site"), this Department has no further comments at this time.

<sup>[1]</sup> Atkins (2016) Report on monitoring sanderling populations within Donegal Bay SPA (004151), 2014/15. Report for the Marine Institute

<sup>[2]</sup> (appropriate Assessment Conclusion Statement by Licensing Authority for aquaculture activities in Donegal Bay Special Area of Conservation (SAC), Donegal Bay and Durnesh Lough Special Protection Areas (SPAs) (Natura 2000 sites) (Updated October 2016)

Mise le meas,

Simon Dolan  
Development Applications Unit  
Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.  
Newtown Road  
Wexford

tel: 0539117377



An Roinn Ealaíon, Oidhreachta,  
Gnóthai Réigiúnacha, Tuaithe agus Gaeltachta  
Department of Arts, Heritage,  
Regional, Rural and Gaeltacht Affairs



Marine Institute  
Foras na Mara

Rinville,  
Oranmore,  
Galway H91 R673

Date: 04 April 2017

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

**Advice on Aquaculture Licence Application**

<b>Applicant</b>	<b>Donegal Ocean Deep Oysters Ltd &amp; Donegal Oysters Ltd</b>
<b>Application type</b>	<b>New</b>
<b>Site Reference No</b>	<b>T12/396A</b>
<b>Species</b>	<b>Oysters (<i>C. gigas</i>) using bags and trestles</b>
<b>Site Status</b>	<b>Located within the Donegal Bay (Murvagh) SAC (Site Code 000133) and the Donegal Bay SPA (Site Code 004151) Located within the Donegal Bay Shellfish Growing Water Area</b>

Dear Karen

This is an application for an aquaculture licence for the production of Oysters (*C. gigas*) using bags and trestles at Site T12/396A on the foreshore in Donegal Bay, Co. Donegal. The area of foreshore at Site T12/396A is circa 12.0 Ha.

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

The cultivation of shellfish at these sites will produce faeces and pseudofaeces. The build-up of excess organic matter beyond the footprint of the sites is not considered likely. On the basis of targeted research<sup>1</sup>, the impact of this activity on the majority of community types is considered non-significant.

Site T12/396A is located within the Donegal Bay Shellfish Growing Water Area.

Under Annex II of EU Regulation 854/2004 oysters in Donegal Harbour have a “B” Classification.

Site T12/396A is located within the Donegal Bay (Murvagh) SAC (Site Code 000133) and the Donegal Bay SPA (Site Code 004151).

We note the findings of the appropriate assessment report<sup>2</sup> and subsequent monitoring report<sup>3</sup> and the Department’s Natura conclusion statement<sup>4</sup> in regard to the impact on the Conservation Objectives within the the Donegal Bay (Murvagh) SAC, the Donegal Bay SPA and the Durnesh Lough SPA.

<sup>1</sup> Forde, J., F. O’Beirn, J. O’Carroll, A. Patterson, R. Kennedy. 2015. Impact of intertidal oyster trestle cultivation on the Ecological Status of benthic habitats. Marine Pollution Bulletin 95, 223–233.

<sup>2</sup> Article 6 Assessment of Aquaculture and Fisheries in Inner Donegal Bay SAC (Murvagh, 0133), SPA (Donegal Bay, 004151), SPA (Durnesh Lough, 004145), Marine Institute, Version May2014.

<sup>3</sup> Report on monitoring sanderling populations within Donegal Bay SPA (004151), 2014/2015, Marine Institute, March 2016

<sup>4</sup> Appropriate Assessment Conclusion Statement by Licensing Authority for aquaculture activities in Donegal Bay Special Area of Conservation (SAC), Donegal Bay and Durnesh Lough Special Protection Areas (SPAs) (Natura 2000 sites) (updated October 2016) available at

<http://agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/appropriateassessmentconclusionstatement/UpdatedAACConclusionStatementDonegalBaySAC121216.pdf>



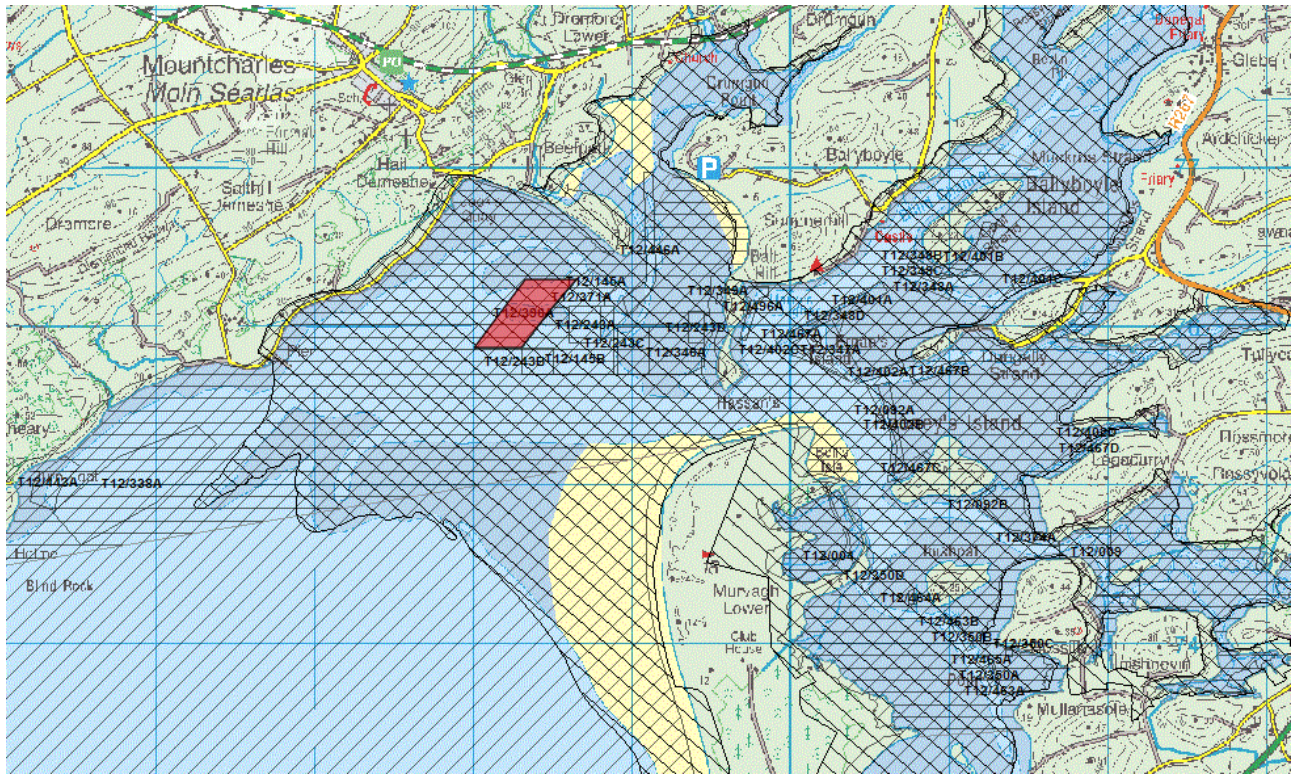
In making the final determination with respect to this application it is recommended that DAFM take full account of the conclusions and recommendations of the Appropriate Assessment and subsequent monitoring report and the Management / Mitigation measures set out in the Department's Natura Conclusion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


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 any aquaculture activities proposed.


Kind regards,


A handwritten signature in black ink, appearing to read 'Terry McMahon', written over a horizontal line.


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



Shellfish Waters Directive Area  


Aquaculture Site  


Special Area of Conservation  


Special Protection Areas  


10<sup>th</sup> July 2017

Karen Gill  
Aquaculture & Foreshore Management Division,  
National Seafood Centre,  
Clogheen,  
Clonakilty,  
Co. Cork.

**Ref: T12-396, Donegal Oysters.**

Dear Karen,

In reference to the aquaculture & foreshore licensing application ref no: T12-396, submitted by Mr. Damien Reid please find below the findings of the Sea Fisheries Protection Authority:

No objection to this application progressing forward.

This is an extension to the existing licence. There is currently an active aquaculture site in Donegal Bay in close vicinity to the proposed aquaculture site.

Donegal Bay is Classified B. 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.

Yours Sincerely,



Mrs. Lesley Mc Caffrey  
Sea Fisheries Protection Officer.

Sea Fisheries Protection Authority  
Fishery Harbour Centre  
Killybegs  
Co. Donegal  
Ireland

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