

Edward&Paul O'Brien



RL 75814902 71E

[REDACTED]  
[REDACTED]  
[REDACTED]

Alab ref; AP4/1/2020

Site ref: T12/409A

Please find enclosed response to appeal referenced above.

This submission is without merit; either it is based on confusion by the appellant or a deliberate attempt to frustrate my application.

My access route shown on map enclosed in red is nowhere near his site shown in pink.

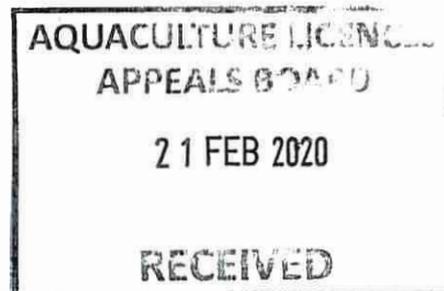
Also shown in blue is the county council tared road leading to the shore, which I would have the option of using but do not require as my land adjoins the foreshore.

Incidentally the road which the appellant John Boyle is referencing to is a council road which everyone has right of way over.

Your sincerely

Paul O'Brien

*Paul O'Brien*



**The Property  
Registration Authority  
An tÚdarás  
Clárúcháin Maoinne**



Official Property Registration Map

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale accuracy is limited to that of the original OSI Map Scale

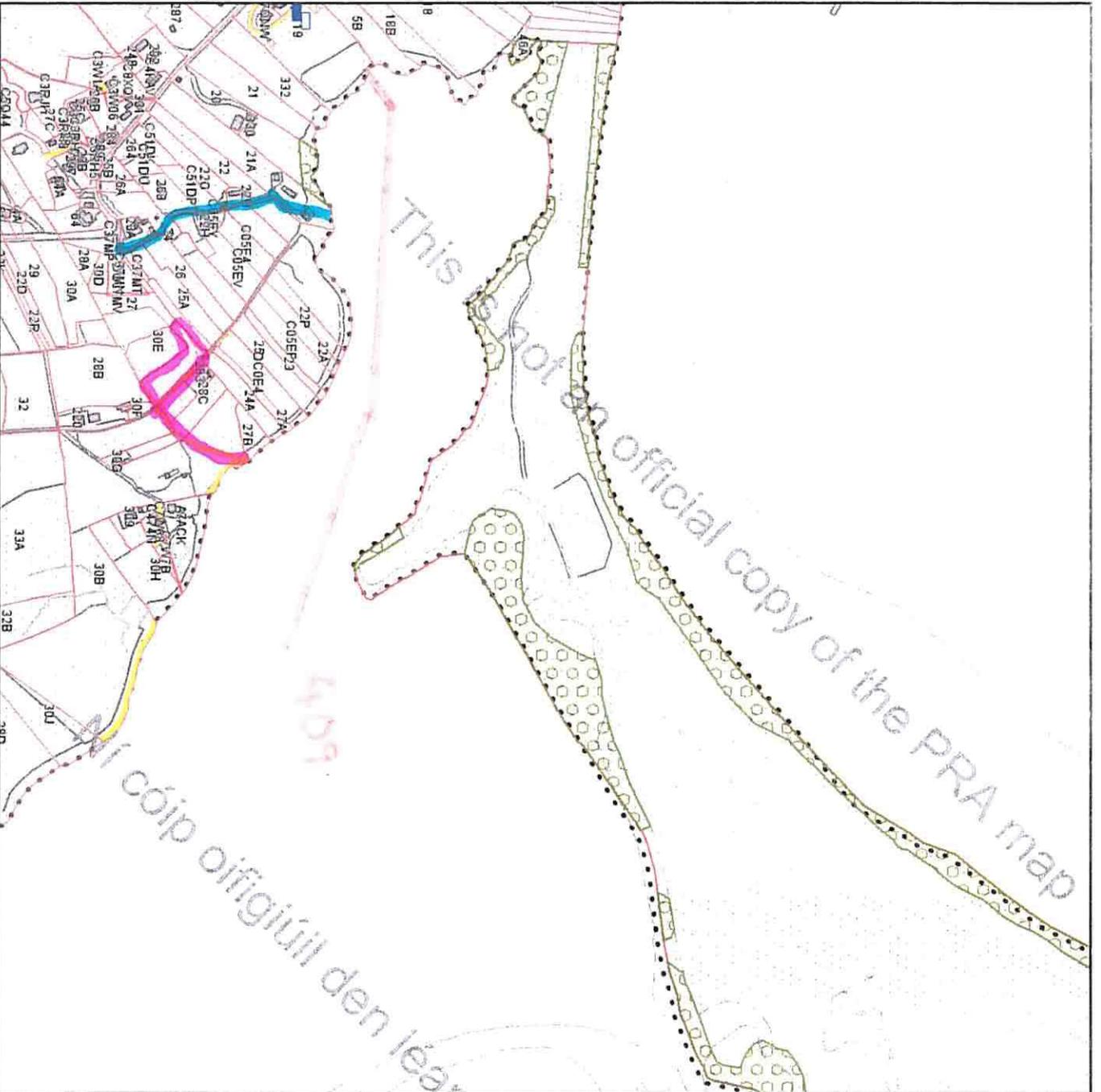
For details of the terms of use, and limitations as to scale, accuracy and other conditions relating to Land Registry Maps, see [www.pral.ie](http://www.pral.ie).

This map incorporates Ordnance Survey Ireland (OSI) mapping data under a licence from OSI. Copyright © OSI and Government of Ireland.

- (Identified-line of parcel(s) edged)
- Freehold
  - Leasehold
  - Subleasehold
  - 'S' Register
- (see Section 8(b)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).
- Burdens (may not all be represented on map)**
- Right of Way / Wayleave
  - Turbary
  - Pipeline
  - Well
  - Pump
  - Septic Tank
  - Soak Pit
- A full list of burdens and their symbology can be found at: [www.landdirect.ie](http://www.landdirect.ie)

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

Creation Date: 08 February 2020 21:15:29



Edward&Paul O'Brien



Alab ref; AP4/2/2020

Site ref: T12/409A

Please find enclosed response to appeal referenced above.



1. **The consultation process.** *the appellant's state that the DAFM took control of the process and acted as agents for the applicants. All the DAFM did was tell us to publish what was a standard notice informing of the application.*
2. **Newspaper which notice was placed.** *Appellants complain about newspaper choice in which notice was placed in. The Donegal Democrat is widely read in the area, lot of people seen the applications as that stated it to me. The dept. also received submissions of some of the applications so it was read. Also the local community regularly uses this paper, an example would be last year they placed the planning notice to rebuild the community hall in this paper. They quote circulation figures without giving any indication of source.*
3. **Content of notifications.** *The application could be inspected in both garda stations, (falcarragh is open 10-1 every day and leterkenny all day).claiming only 72hours to inspect documents is false. The documents were also available on the dept. website.*
8. **Language.** As a native Irish speaker myself, I would reject this and be of the opinion that most Irish speakers would be more confident in reading English not Irish

#### **Other points.**

Most of the points stated by the appellants are not relevant to my site as they have produced one document covering all aspects of all sites and submitted the same one to all appeals.

#### **Seal haul out sites**

Maps produced by appellants in support of the seal haul out sites are fake. They have been produced to try to show numerous sites by changing camera angles. Please find enclosed the sites relevant to me marked 6 and 7 , they are made to appear as if they are on the west side of the bay when in fact they are the same site as 1 and 3 on the east side, separated by a deep channel. There are no seal sites near my application and this has been addressed by the department's assessment.

#### **Reproduction issues.**

\_Triploid oysters are to be used in the bay- these do not reproduce. The supporting documents supplied by the appellants are not triploid oysters and no conclusion was reached that even the standard oyster would reproduce, it even states that a way of reducing the risk would be to use triploid oysters.

### **Access routes**

My access route is from my own family land and connected directly to the foreshore. It does not encroach on any dunes or habitat. It also does not in any way hinder any other public access or activates in the bay.

### **Previous shellfish operations**

There have been aquaculture productions in the bay for the last circa 30 years by various persons. The last license for oyster cultivation held by Owen coll expired in 1999.

Aquaculture production was in existence in the bay up until 2017 and the general population was not even aware of it, now they claim the exact same operations will affect birds, seals, otters, tourism, fisheries, etc.

### **Fisheries in the bay**

There are no fisheries in operation in the bay. The appellants have supplied an unpaid invoice is going back 10 years to suggest that fisheries exist.

### **Conclusion;**

I have lived here all my life and my land adjoins the foreshore. I believe my proposed licence application will have no adverse effect on the integrity of the bay. I am of the opinion that the objections by the appellants have no merit and that all concerns have already been addressed by the assessment carried out by the department. I would also question the integrity of the appellants submission as they have supplied you with forged maps to strengthen their case. They launched a campaign locally and produced exaggerated maps and documents to create scaremongering and were informing people that should this go ahead no one would be able to walk the beach any more.

Yours sincerely

Paul O'Brien



