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Supporting Information for S61 Assessment

Ballyness Bay – Aquaculture Sites

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Contents

1.	Introduction and Purpose of Response	1
2.	Project Description and Current Baseline	1
3.	Section 61(a): Suitability of the Site	2
4.	Section 61(b): Other Beneficial Uses	11
5.	Section 61(c): Statutory Status of the Area	18
6.	Section 61(d): Economic Effects	20
7.	Section 61(e): Ecological Effects	23
8.	Section 61(f): General Environmental Effects	26
9.	Section 61(g): Effects on Man-Made Heritage	29
10.	Overall Section 61 Assessment Summary	30

1. Introduction and Purpose of Response

This document has been prepared by AQUAFACT – APEM Group on behalf of Joseph Coll, Paul and Edward O’Brien and Anthony McCafferty in response to the Further Notice issued by the Aquaculture Licences Appeals Board (ALAB) on 15 May 2026 pursuant to Section 47 of the Fisheries (Amendment) Act 1997, as amended.

The Further Notice requests additional information to assist ALAB in its consideration of the matters listed under Section 61 of the Fisheries (Amendment) Act 1997, as amended, in respect of the remitted aquaculture licence appeals at Ballyness Bay, Co. Donegal. The notice identifies the matters to be considered as including site suitability, other beneficial uses, statutory status, economic effects, ecological effects, general environmental effects, and effects on man-made heritage.

This response provides supporting information relevant to those Section 61 matters. It is submitted to assist ALAB in its statutory assessment and does not purport to make the licensing determination. The information is based on the current project description and the updated technical assessments prepared for the proposed Ballyness Bay aquaculture sites, including the Revised Screening for Appropriate Assessment and Natura Impact Assessment, the Water Framework Directive Assessment, and the Marine Strategy Framework Directive Assessment.

The assessment is limited to the 10 aquaculture sites currently under appeal and covered by the updated technical reports. These sites comprise proposed Pacific oyster cultivation using bags and trestles and Manila clam cultivation using wooden trays under mesh on intertidal/subtidal foreshore areas within Ballyness Bay.

2. Project Description and Current Baseline

The proposed project comprises 10 aquaculture licence appeal sites within Ballyness Bay, Co. Donegal. The sites are proposed for the cultivation of Pacific oysters, *Magallana gigas* (formerly *Crassostrea gigas*), using bags and trestles, and Manila clams, *Ruditapes philippinarum*, using wooden trays under mesh on the intertidal/subtidal foreshore. The proposed sites include seven oyster-only sites, two sites for combined oyster and clam cultivation, and one clam-only site.

Ballyness Bay is a large, shallow estuarine complex in north-west Donegal, with extensive areas of intertidal sandflats exposed at low tide. The aquaculture sites are located within Ballyness Bay SAC, which is designated for marine and coastal habitats including Estuaries [1130], Mudflats and sandflats not covered by seawater at low tide [1140], and coastal dune habitats. The sites are also located within the wider receiving environment considered in the WFD and MSFD assessments.

No aquaculture activity is currently taking place within the proposed sites. Following the original grant of the licences, three adjacent sites on the western side of the bay briefly became operational prior to the subsequent quashing of the licences. Metal trestles were installed at T12/407B and T12/515A for oyster culture, and metal trestles and wooden frames were installed at T12/441A for oyster and clam aquaculture. Oyster and clam seed was removed during March and April 2025, and all trestles, wooden frames and pole markers were subsequently removed from the shore. The sites were restored to their original condition, which represents their current state.

The proposed aquaculture is extensive in nature and does not involve external feed inputs. Oyster cultivation would involve the use of mesh bags secured on low intertidal trestles, while clam cultivation would involve the sowing of seed on intertidal ground under mesh. The proposed production is constrained by the natural carrying capacity and environmental conditions of Ballyness Bay. The MSFD Assessment describes the proposed aquaculture as spatially limited to licensed intertidal areas, low intensity, and constrained by natural environmental conditions and carrying capacity.

Access to the proposed sites would be by tractor/trailer and, where relevant, boat. The current NIS identifies an access arrangement using Ballyness Pier to the east, a public road near Ranaghmore Island for central sites, and a DAFM-suggested southern access route for western sites to avoid the Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] qualifying interest of Ballyness Bay SAC.

3. Section 61(a): Suitability of the Site

Section 61(a) requires consideration of the suitability of the place or waters at or in which the aquaculture is proposed to take place. The information available indicates that the proposed Ballyness Bay sites are suitable for the proposed extensive intertidal oyster and clam cultivation, subject to the operational controls and mitigation measures identified in the supporting assessments.

The proposed project comprises 10 remitted appeal sites within Ballyness Bay. Seven sites are proposed for Pacific oyster cultivation using bags and trestles, two sites are proposed for combined oyster and clam cultivation, and one site is proposed for clam cultivation only. The proposed activities are extensive in nature, spatially limited to licensed intertidal areas, and do not involve external feed inputs.

The sites are located within Ballyness Bay, a large, shallow estuarine complex with extensive intertidal sandflat habitat. The proposed oyster cultivation method is suited to intertidal conditions where trestles and bags can be accessed at low tide for husbandry and maintenance. The proposed clam cultivation method is also an intertidal/subtidal culture method, involving the placement of clam seed under mesh in suitable sedimentary

areas. The suitability of the sites is therefore considered below with reference to the proposed culture type, site-specific constraints, access arrangements, ecological sensitivities and relevant mitigation.

T12/407B — Pacific oyster cultivation (J Coll)

On the basis of the supporting assessments, site T12/407B is suitable for the proposed cultivation of Pacific oysters using bags and trestles. The site forms part of the current 10-site project assessed in the Revised NIS, WFD Assessment and MSFD Assessment.

The proposed culture method is an established intertidal oyster cultivation technique and is compatible with the intertidal sedimentary environment of Ballyness Bay. The site is located away from the identified seal haul-out sandbank and is included within the project assessed as having no adverse effect on European site integrity, subject to the mitigation identified in the NIS.

The area occupied by this site, when considered together with the other proposed aquaculture sites, remains below the 15% habitat-use threshold identified for disturbance of a conservation interest within an SAC¹. The proposed aquaculture footprint is therefore within the habitat-use threshold applied in the assessment of potential disturbance to relevant sedimentary conservation interests.

Access to the western sites has been revised to avoid Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130], and the use of the DAFM-suggested southern access route is a key site-suitability consideration. On that basis, no direct use of fixed dune habitat is proposed.

Some visual presence of trestles at low tide is expected due to the open nature of Ballyness Bay, and appropriate marking would be required to manage potential interaction with recreational users at higher states of tide. These matters are capable of being managed through operational controls and licence conditions.

T12/409A — Manila clam cultivation (E&P O'Brien)

On the basis of the supporting assessments, site T12/409A is suitable for the proposed cultivation of Manila clams on wooden trays under mesh on the intertidal/subtidal foreshore. The site forms part of the current assessed project and is included in the 10 sites addressed by the supporting NIS, WFD and MSFD assessments.

The proposed culture method is compatible with intertidal/subtidal sedimentary habitat and does not involve external feed inputs. The WFD and MSFD assessments describe the proposed aquaculture activities as low-

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[https://www.npws.ie/sites/default/files/publications/pdf/Ballyness%20Bay%20SAC%20\(001090\)%20Conservation%20objectives%20supporting%20document%20-%20marine%20habitats%20\[Version%201\].pdf](https://www.npws.ie/sites/default/files/publications/pdf/Ballyness%20Bay%20SAC%20(001090)%20Conservation%20objectives%20supporting%20document%20-%20marine%20habitats%20[Version%201].pdf)

intensity, extensive, spatially limited and not predicted to compromise waterbody status or Good Environmental Status.

The area occupied by this site, when considered together with the other proposed aquaculture sites, remains below the 15% habitat-use threshold identified for disturbance of a conservation interest within an SAC. The proposed aquaculture footprint is therefore within the habitat-use threshold applied in the assessment of potential disturbance to relevant sedimentary conservation interests.

The site does not rely on access through fixed dune habitat. Where vehicle access is required, it should be restricted to the routes assessed in the NIS. The site is not identified as being within the principal seal haul-out constraint area, and the project has been assessed in the NIS as not resulting in adverse effects on European site integrity, subject to mitigation.

The clam culture method would have limited visual presence compared with trestle-based oyster culture. Potential interaction with other users is therefore expected to be low, subject to appropriate site marking and standard operational controls.

T12/409B1&2 — Pacific oyster and Manila clam cultivation (E&P O'Brien)

On the basis of the supporting assessments, sites T12/409B1 and T12/409B2 are suitable for the proposed combined cultivation of Pacific oysters using bags and trestles and Manila clams under mesh, subject to the site configuration assessed in the current technical reports and to implementation of the mitigation identified in the NIS.

The site does not rely on access through fixed dune habitat. Where vehicle access is required, it should be restricted to the routes assessed in the NIS. The boundary of the site was revised to stay at a 200m distance from the known seal haul-out area. The current 10-site project has been assessed in the Revised NIS, including the seal haul-out constraint and the requirement for suitable separation from the identified haul-out sandbank.

The site is located within the intertidal sedimentary environment of Ballyness Bay, which is suitable for the proposed extensive oyster and clam cultivation methods. The activities are limited in scale, do not involve external feed inputs, and have been assessed in the WFD and MSFD reports as not causing deterioration of waterbody status or hindering achievement or maintenance of Good Environmental Status.

The area occupied by this site, when considered together with the other proposed aquaculture sites, remains below the 15% habitat-use threshold identified for disturbance of a conservation interest within an SAC. The proposed aquaculture footprint is therefore within the habitat-use threshold applied in the assessment of potential disturbance to relevant sedimentary conservation interests.

Some visual presence of oyster trestles at low tide is expected, and appropriate site marking would be required to manage interaction with recreational users. Subject to these operational controls and the ecological mitigation identified in the NIS, the available information supports the suitability of the sites for the proposed culture methods.

T12/441A — Pacific oyster and Manila clam cultivation (A. McCafferty)

On the basis of the supporting assessments, site T12/441A is considered suitable for the proposed combined cultivation of Pacific oysters using bags and trestles and Manila clams under mesh. The site forms part of the current 10-site project assessed in the Revised NIS, WFD Assessment and MSFD Assessment.

The proposed culture methods are compatible with the intertidal sedimentary environment of Ballyness Bay. The oyster element would use bags and trestles, while the clam element would use mesh on suitable sedimentary foreshore. Both methods are extensive in nature and do not involve external feed inputs.

This site was one of the three western sites that briefly became operational before the licences were quashed. The current baseline is that all seed, trestles, wooden frames and pole markers have been removed and the site has been restored to its previous condition.

The site is located away from the identified seal haul-out sandbank and is included within the project assessed in the Revised NIS as having no adverse effect on European site integrity, subject to the mitigation identified in the NIS.

The area occupied by this site, when considered together with the other proposed aquaculture sites, remains below the 15% habitat-use threshold identified for disturbance of a conservation interest within an SAC. The proposed aquaculture footprint is therefore within the habitat-use threshold applied in the assessment of potential disturbance to relevant sedimentary conservation interests.

Access to the western sites has been revised to avoid Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130], and the use of the DAFM-suggested southern access route is a key site-suitability consideration. On that basis, no direct use of fixed dune habitat is proposed.

Some visual presence of oyster trestles at low tide is expected, and appropriate site marking would be required to manage interaction with recreational users. Subject to these operational controls and the ecological mitigation identified in the NIS, the available information supports the suitability of the sites for the proposed culture methods.

T12/441B — Pacific oyster cultivation (A. McCafferty)

On the basis of the supporting assessments, site T12/441B is considered suitable for the proposed cultivation of Pacific oysters using bags and trestles. The site forms part of the current 10-site project assessed in the Revised NIS, WFD Assessment and MSFD Assessment.

The proposed culture method is an established intertidal oyster cultivation technique and is compatible with the intertidal sedimentary environment of Ballyness Bay. The proposed activity is extensive in nature and does not involve external feed inputs.

The site is located away from the identified seal haul-out sandbank and is included within the project assessed in the Revised NIS as having no adverse effect on European site integrity, subject to the mitigation identified in the NIS.

The area occupied by this site, when considered together with the other proposed aquaculture sites, remains below the 15% habitat-use threshold identified for disturbance of a conservation interest within an SAC. The proposed aquaculture footprint is therefore within the habitat-use threshold applied in the assessment of potential disturbance to relevant sedimentary conservation interests.

No direct use of Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] is proposed. The access arrangements assessed in the supporting reports do not identify a site-specific access constraint that would render this site unsuitable for the proposed oyster cultivation.

Some visual presence of oyster trestles at low tide is expected, and appropriate site marking would be required to manage interaction with recreational users. Subject to these operational controls and the ecological mitigation identified in the NIS, the available information supports the suitability of the sites for the proposed culture methods.

T12/441C — Pacific oyster cultivation (A. McCafferty)

On the basis of the supporting assessments, site T12/441C is considered suitable for the proposed cultivation of Pacific oysters using bags and trestles. The site forms part of the current 10-site project assessed in the Revised NIS, WFD Assessment and MSFD Assessment.

The proposed culture method is compatible with the intertidal sedimentary environment of Ballyness Bay. Oyster cultivation using bags and trestles is an established extensive intertidal aquaculture method and does not involve external feed inputs.

The site is located away from the identified seal haul-out sandbank and is included within the project assessed in the Revised NIS as having no adverse effect on European site integrity, subject to the mitigation identified in the NIS.

The area occupied by this site, when considered together with the other proposed aquaculture sites, remains below the 15% habitat-use threshold identified for disturbance of a conservation interest within an SAC. The proposed aquaculture footprint is therefore within the habitat-use threshold applied in the assessment of potential disturbance to relevant sedimentary conservation interests.

No direct use of Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] is proposed. The access arrangements assessed in the supporting reports do not identify a site-specific access constraint that would render this site unsuitable for the proposed oyster cultivation.

Some visual presence of oyster trestles at low tide is expected, and appropriate site marking would be required to manage interaction with recreational users. Subject to these operational controls and the ecological mitigation identified in the NIS, the available information supports the suitability of the sites for the proposed culture methods.

T12/500A — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, site T12/500A is considered suitable for the proposed cultivation of Pacific oysters using bags and trestles. The site forms part of the current 10-site project assessed in the Revised NIS, WFD Assessment and MSFD Assessment.

The proposed culture method is an established intertidal oyster cultivation technique and is compatible with the intertidal sedimentary environment of Ballyness Bay. The proposed activity is extensive in nature, spatially limited, and does not involve external feed inputs.

The site is located away from the identified seal haul-out sandbank and is included within the project assessed in the Revised NIS as having no adverse effect on European site integrity, subject to the mitigation identified in the NIS.

The area occupied by this site, when considered together with the other proposed aquaculture sites, remains below the 15% habitat-use threshold identified for disturbance of a conservation interest within an SAC. The proposed aquaculture footprint is therefore within the habitat-use threshold applied in the assessment of potential disturbance to relevant sedimentary conservation interests.

Access to the relevant western sites has been revised to avoid Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130], and the use of the DAFM-suggested southern access route is a key site-suitability consideration where relevant. On that basis, no direct use of fixed dune habitat is proposed.

Some visual presence of oyster trestles at low tide is expected, and appropriate site marking would be required to manage interaction with recreational users. Subject to these operational controls and the ecological mitigation identified in the NIS, the available information supports the suitability of the sites for the proposed culture methods.

T12/502A — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, site T12/502A is considered suitable for the proposed cultivation of Pacific oysters using bags and trestles. The site forms part of the current 10-site project assessed in the Revised NIS, WFD Assessment and MSFD Assessment.

The proposed culture method is compatible with the intertidal sedimentary environment of Ballyness Bay. Oyster cultivation using bags and trestles is an established intertidal aquaculture technique, and the proposed activity does not involve external feed inputs.

The site is located away from the identified seal haul-out sandbank and is included within the project assessed in the Revised NIS as having no adverse effect on European site integrity, subject to the mitigation identified in the NIS.

The area occupied by this site, when considered together with the other proposed aquaculture sites, remains below the 15% habitat-use threshold identified for disturbance of a conservation interest within an SAC. The proposed aquaculture footprint is therefore within the habitat-use threshold applied in the assessment of potential disturbance to relevant sedimentary conservation interests.

Access to the relevant western sites has been revised to avoid Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130], and the use of the DAFM-suggested southern access route is a key site-suitability consideration where relevant. On that basis, no direct use of fixed dune habitat is proposed.

Some visual presence of oyster trestles at low tide is expected, and appropriate site marking would be required to manage interaction with recreational users. Subject to these operational controls and the ecological mitigation identified in the NIS, the available information supports the suitability of the sites for the proposed culture methods.

T12/515A — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, site T12/515A is considered suitable for the proposed cultivation of Pacific oysters using bags and trestles. The site forms part of the current 10-site project assessed in the Revised NIS, WFD Assessment and MSFD Assessment.

The proposed culture method is an established intertidal oyster cultivation technique and is compatible with the intertidal sedimentary environment of Ballyness Bay. The proposed activity is extensive in nature, spatially limited, and does not involve external feed inputs.

This site was one of the three western sites that briefly became operational before the licences were quashed. The current baseline is that all seed, trestles, wooden frames and pole markers have been removed and the site has been restored to its previous condition.

The site is located away from the identified seal haul-out sandbank and is included within the project assessed in the Revised NIS as having no adverse effect on European site integrity, subject to the mitigation identified in the NIS.

The area occupied by this site, when considered together with the other proposed aquaculture sites, remains below the 15% habitat-use threshold identified for disturbance of a conservation interest within an SAC. The proposed aquaculture footprint is therefore within the habitat-use threshold applied in the assessment of potential disturbance to relevant sedimentary conservation interests.

Access to the western sites has been revised to avoid Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130], and the use of the DAFM-suggested southern access route is a key site-suitability consideration. On that basis, no direct use of fixed dune habitat is proposed.

Some visual presence of oyster trestles at low tide is expected, and appropriate site marking would be required to manage interaction with recreational users. Subject to these operational controls and the ecological mitigation identified in the NIS, the available information supports the suitability of the sites for the proposed culture methods.

T12/516A — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, site T12/516A is considered suitable for the proposed cultivation of Pacific oysters using bags and trestles. The site forms part of the current 10-site project assessed in the Revised NIS, WFD Assessment and MSFD Assessment.

The proposed culture method is an established intertidal oyster cultivation technique and is compatible with the intertidal sedimentary environment of Ballyness Bay. The proposed activity is extensive in nature, spatially limited, and does not involve external feed inputs.

The site is located away from the identified seal haul-out sandbank and is included within the project assessed in the Revised NIS as having no adverse effect on European site integrity, subject to the mitigation identified in the NIS.

The area occupied by this site, when considered together with the other proposed aquaculture sites, remains below the 15% habitat-use threshold identified for disturbance of a conservation interest within an SAC. The proposed aquaculture footprint is therefore within the habitat-use threshold applied in the assessment of potential disturbance to relevant sedimentary conservation interests.

Access to the western sites has been revised to avoid Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130], and the use of the DAFM-suggested southern access route is a key site-suitability consideration where relevant. On that basis, no direct use of fixed dune habitat is proposed.

Some visual presence of oyster trestles at low tide is expected, and appropriate site marking would be required to manage interaction with recreational users. Subject to these operational controls and the ecological mitigation identified in the NIS, the available information supports the suitability of the sites for the proposed culture methods.

Section 61(a) Summary

On the basis of the supporting assessments, the 10 Ballyness Bay sites are considered suitable for the proposed extensive intertidal oyster and clam aquaculture activities. The proposed culture methods are compatible with the intertidal sedimentary environment of Ballyness Bay; the total aquaculture footprint remains below the 15% habitat-use threshold identified for disturbance of relevant sedimentary conservation interests; the proposed access arrangements avoid Fixed coastal dunes [2130]; and the sites are suitably separated from the identified seal haul-out sandbank.

Potential Section 61 constraints or sensitivities include the location of the sites within Ballyness Bay SAC, proximity to sensitive intertidal habitats, the need to avoid Fixed coastal dunes [2130] during site access, the presence of a seal haul-out sandbank within the wider bay, low-tide visual presence of trestles, and potential interaction with recreational users at higher states of tide. These sensitivities can be addressed through the project layout, revised access arrangements, separation from the seal haul-out area, site marking, standard operational controls, and the mitigation measures identified in the Revised NIS.

The supporting NIS concludes that the proposed project will not adversely affect the integrity of any European site, either alone or in combination, subject to the mitigation identified in that report. The WFD Assessment and MSFD Assessment do not identify waterbody-status or marine-environment constraints that would render the sites unsuitable for the proposed aquaculture activities. Accordingly, subject to implementation of the mitigation and operational controls identified in the supporting assessments and any licence conditions imposed by the competent authority, no site-specific constraint has been identified that would render the proposed sites unsuitable for the proposed aquaculture activities.

4. Section 61(b): Other Beneficial Uses

Section 61(b) requires consideration of other beneficial uses, existing or potential, of the area or waters in which the proposed aquaculture is to take place.

Ballyness Bay supports a range of existing recreational and amenity uses, including walking, beach use, tourism, kayaking, windsurfing and recreational angling. Recreational salmon and sea trout angling is understood to occur principally within the channels that remain at low tide. The proposed aquaculture sites are located on intertidal foreshore areas and are not positioned within the principal low-tide channels used for this angling activity.

Some visual presence of oyster trestles at low tide is expected due to the open and relatively flat character of Ballyness Bay. Potential interaction with recreational users may also arise at higher states of tide where aquaculture infrastructure is submerged or partially submerged. Appropriate site marking would therefore be required to manage potential interaction with recreational users, including kayakers and windsurfers. This is an operational matter capable of being addressed through standard operational controls and any licence conditions imposed by the competent authority.

The proposed clam cultivation areas would generally have a lower visual profile than trestle-based oyster cultivation. However, these areas may still require appropriate identification or marking where necessary to manage potential interaction with other users of the bay.

T12/407B — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, site T12/407B is not expected to significantly interfere with other beneficial uses of Ballyness Bay. The site forms part of the current 10-site project assessed in the Revised NIS, WFD Assessment and MSFD Assessment.

The proposed activity comprises Pacific oyster cultivation using bags and trestles on the intertidal foreshore. Some visual presence of trestles at low tide is expected due to the open and flat nature of Ballyness Bay. This visual presence would be tide-dependent and would not occur when the site is covered by water.

The site is not located within the principal low-tide channels used for recreational salmon and sea trout angling. As such, no significant interference with recreational angling is predicted.

Potential interaction with kayakers, windsurfers or other water-sports users may arise where trestles are submerged or partially submerged at higher states of tide. Appropriate site marking would therefore be required to manage potential interaction with recreational users. Subject to such operational controls and any licence conditions imposed by the competent authority, the proposed activity at T12/407B is not expected to significantly affect other beneficial uses of the area.

T12/409A — Manila clam cultivation (E. & P. O'Brien)

On the basis of the supporting assessments, site T12/409A is not expected to significantly interfere with other beneficial uses of Ballyness Bay. The site forms part of the current 10-site project assessed in the Revised NIS, WFD Assessment and MSFD Assessment.

The proposed activity comprises Manila clam cultivation on the intertidal/subtidal foreshore. This cultivation method has a lower visual profile than trestle-based oyster cultivation because it does not involve rows of above-ground trestle infrastructure. It is therefore less likely to affect visual amenity or the experience of recreational users at low tide.

The site is not located within the principal low-tide channels used for recreational salmon and sea trout angling. As such, no significant interference with recreational angling is predicted.

Potential interaction with other users is expected to be lower than for trestle-based oyster sites because the proposed clam cultivation method has a reduced above-ground profile. Appropriate site marking would nevertheless be required where necessary to manage interaction with recreational users at higher states of tide. Subject to such operational controls and any licence conditions imposed by the competent authority, the proposed activity at T12/409A is not expected to significantly affect other beneficial uses of the area.

T12/409B1&2 — Pacific oyster and Manila clam cultivation (E. & P. O'Brien)

On the basis of the supporting assessments, sites T12/409B1 and T12/409B2 are not expected to significantly interfere with other beneficial uses of Ballyness Bay. The sites form part of the current 10-site project assessed in the Revised NIS, WFD Assessment and MSFD Assessment.

The proposed activity comprises combined Pacific oyster cultivation using bags and trestles and Manila clam cultivation under mesh. The oyster element would have some visual presence at low tide due to the use of trestles, while the clam element would have a lower visual profile.

The sites are not located within the principal low-tide channels used for recreational salmon and sea trout angling. As such, no significant interference with recreational angling is predicted.

Some visual presence of trestles at low tide is expected, but this would be intermittent and tide-dependent. Potential interaction with kayakers, windsurfers or other water-sports users may arise where trestles are submerged or partially submerged at higher states of tide. Appropriate site marking would therefore be required to manage potential interaction with recreational users. Subject to such operational controls and any licence conditions imposed by the competent authority, the proposed activity at T12/409B1&2 is not expected to significantly affect other beneficial uses of the area.

T12/441A — Pacific oyster and Manila clam cultivation (A. McCafferty)

On the basis of the supporting assessments, site T12/441A is not expected to significantly interfere with other beneficial uses of Ballyness Bay. The site forms part of the current 10-site project assessed in the Revised NIS, WFD Assessment and MSFD Assessment.

The proposed activity comprises combined Pacific oyster cultivation using bags and trestles and Manila clam cultivation under mesh. Some visual presence of oyster trestles at low tide is expected due to the open nature of Ballyness Bay. The clam cultivation component would have a lower visual profile than the trestle-based oyster component.

The site is not located within the principal low-tide channels used for recreational salmon and sea trout angling. As such, no significant interference with recreational angling is predicted.

This site was one of the three western sites that briefly became operational before the licences were quashed. The current baseline is that all seed, trestles, wooden frames and pole markers have been removed and the site has been restored to its previous condition.

Potential interaction with kayakers, windsurfers or other water-sports users may arise where oyster trestles are submerged or partially submerged at higher states of tide. Appropriate site marking would therefore be required to manage potential interaction with recreational users. Subject to such operational controls and any licence conditions imposed by the competent authority, the proposed activity at T12/441A is not expected to significantly affect other beneficial uses of the area.

T12/441B — Pacific oyster cultivation (A. McCafferty)

On the basis of the supporting assessments, site T12/441B is not expected to significantly interfere with other beneficial uses of Ballyness Bay. The site forms part of the current 10-site project assessed in the Revised NIS, WFD Assessment and MSFD Assessment.

The proposed activity comprises Pacific oyster cultivation using bags and trestles on the foreshore. Some visual presence of trestles at low tide is expected due to the flat, open nature of Ballyness Bay. This visual presence would be intermittent and tide-dependent.

The site is not located within the principal low-tide channels used for recreational salmon and sea trout angling. As such, no significant interference with recreational angling is predicted.

No site-specific access issue has been identified that would prevent existing recreational or amenity use of the wider bay from continuing. Potential interaction with kayakers, windsurfers or other water-sports users may arise where trestles are submerged or partially submerged at higher states of tide. Appropriate site marking would therefore be required to manage potential interaction with recreational users. Subject to such operational controls and any licence conditions imposed by the competent authority, the proposed activity at T12/441B is not expected to significantly affect other beneficial uses of the area.

T12/441C — Pacific oyster cultivation (A. McCafferty)

On the basis of the supporting assessments, site T12/441C is not expected to significantly interfere with other beneficial uses of Ballyness Bay. The site forms part of the current 10-site project assessed in the Revised NIS, WFD Assessment and MSFD Assessment.

The proposed activity comprises Pacific oyster cultivation using bags and trestles on the foreshore. Some visual presence of trestles at low tide is expected due to the flat, open nature of Ballyness Bay. This visual presence would be intermittent and tide-dependent.

The site is not located within the principal low-tide channels used for recreational salmon and sea trout angling. As such, no significant interference with recreational angling is predicted.

No site-specific access issue has been identified that would prevent existing recreational or amenity use of the wider bay from continuing. Potential interaction with kayakers, windsurfers or other water-sports users may arise where trestles are submerged or partially submerged at higher states of tide. Appropriate site marking would therefore be required to manage potential interaction with recreational users. Subject to such operational controls and any licence conditions imposed by the competent authority, the proposed activity at T12/441C is not expected to significantly affect other beneficial uses of the area.

T12/500A — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, site T12/500A is not expected to significantly interfere with other beneficial uses of Ballyness Bay. The site forms part of the current 10-site project assessed in the Revised NIS, WFD Assessment and MSFD Assessment.

The proposed activity comprises Pacific oyster cultivation using bags and trestles on the intertidal foreshore. Some visual presence of trestles at low tide is expected due to the open and flat nature of Ballyness Bay. This visual presence would be intermittent and tide-dependent.

The site is not located within the principal low-tide channels used for recreational salmon and sea trout angling. As such, no significant interference with recreational angling is predicted.

Access to relevant western/central sites has been considered in the supporting assessments, including the use of routes that avoid Fixed coastal dunes [2130] where relevant. No site-specific access issue has been identified that would prevent existing recreational or amenity use of the wider bay from continuing.

Potential interaction with kayakers, windsurfers or other water-sports users may arise where trestles are submerged or partially submerged at higher states of tide. Appropriate site marking would therefore be required to manage potential interaction with recreational users. Subject to such operational controls and any licence conditions imposed by the competent authority, the proposed activity at T12/500A is not expected to significantly affect other beneficial uses of the area.

T12/502A — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, site T12/502A is not expected to significantly interfere with other beneficial uses of Ballyness Bay. The site forms part of the current 10-site project assessed in the Revised NIS, WFD Assessment and MSFD Assessment.

The proposed activity comprises Pacific oyster cultivation using bags and trestles on the intertidal foreshore. Some visual presence of trestles at low tide is expected due to the open and flat nature of Ballyness Bay. This visual presence would be intermittent and tide-dependent.

The site is not located within the principal low-tide channels used for recreational salmon and sea trout angling. As such, no significant interference with recreational angling is predicted.

Access to relevant western/central sites has been considered in the supporting assessments, including the use of routes that avoid Fixed coastal dunes [2130] where relevant. No site-specific access issue has been identified that would prevent existing recreational or amenity use of the wider bay from continuing.

Potential interaction with kayakers, windsurfers or other water-sports users may arise where trestles are submerged or partially submerged at higher states of tide. Appropriate site marking would therefore be required to manage potential interaction with recreational users. Subject to such operational controls and any licence conditions imposed by the competent authority, the proposed activity at T12/502A is not expected to significantly affect other beneficial uses of the area.

T12/515A — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, site T12/515A is not expected to significantly interfere with other beneficial uses of Ballyness Bay. The site forms part of the current 10-site project assessed in the Revised NIS, WFD Assessment and MSFD Assessment.

The proposed activity comprises Pacific oyster cultivation using bags and trestles on the intertidal foreshore. Some visual presence of trestles at low tide is expected due to the open and flat nature of Ballyness Bay. This visual presence would be intermittent and tide-dependent.

The site is not located within the principal low-tide channels used for recreational salmon and sea trout angling. As such, no significant interference with recreational angling is predicted.

This site was one of the three western sites that briefly became operational before the licences were quashed. The current baseline is that all seed, trestles, wooden frames and pole markers have been removed and the site has been restored to its previous condition.

Access to the western sites has been considered in the supporting assessments, including the use of the revised DAFM-suggested southern access route to avoid Fixed coastal dunes [2130]. No site-specific access issue has been identified that would prevent existing recreational or amenity use of the wider bay from continuing.

Potential interaction with kayakers, windsurfers or other water-sports users may arise where trestles are submerged or partially submerged at higher states of tide. Appropriate site marking would therefore be required to manage potential interaction with recreational users. Subject to such operational controls and any licence conditions imposed by the competent authority, the proposed activity at T12/515A is not expected to significantly affect other beneficial uses of the area.

T12/516A — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, site T12/516A is not expected to significantly interfere with other beneficial uses of Ballyness Bay. The site forms part of the current 10-site project assessed in the Revised NIS, WFD Assessment and MSFD Assessment.

The proposed activity comprises Pacific oyster cultivation using bags and trestles on the intertidal foreshore. Some visual presence of trestles at low tide is expected due to the open and flat nature of Ballyness Bay. This visual presence would be intermittent and tide-dependent.

The site is not located within the principal low-tide channels used for recreational salmon and sea trout angling. As such, no significant interference with recreational angling is predicted.

Access to the western sites has been considered in the supporting assessments, including the use of the revised DAFM-suggested southern access route to avoid Fixed coastal dunes [2130] where relevant. No site-specific access issue has been identified that would prevent existing recreational or amenity use of the wider bay from continuing.

Potential interaction with kayakers, windsurfers or other water-sports users may arise where trestles are submerged or partially submerged at higher states of tide. Appropriate site marking would therefore be required to manage potential interaction with recreational users. Subject to such operational controls and any licence conditions imposed by the competent authority, the proposed activity at T12/516A is not expected to significantly affect other beneficial uses of the area.

Section 61(b) Summary

On the basis of the supporting assessments, the proposed 10-site aquaculture project is not expected to significantly interfere with other beneficial uses of Ballyness Bay. Existing uses include recreational angling, walking, tourism, kayaking, windsurfing and other informal coastal recreation.

The proposed sites are not located within the principal low-tide channels used for recreational salmon and sea trout angling. The project footprint is spatially limited and dispersed within Ballyness Bay, and the proposed activities are extensive in nature.

Potential Section 61 constraints or sensitivities include the low-tide visual presence of oyster trestles, the use of Ballyness Bay for kayaking, windsurfing and other water-based recreation, and the potential for interaction with submerged or partially submerged aquaculture infrastructure at higher states of tide. These sensitivities are capable of being addressed through appropriate site marking, standard operational controls, and any licence conditions imposed by the competent authority.

Subject to those controls, the proposed aquaculture activities are not expected to significantly affect other beneficial uses of the area..

5. Section 61(c): Statutory Status of the Area

Section 61(c) requires consideration of the statutory status of the area in which the proposed aquaculture is to take place, including the provisions of any relevant development plan.

The relevant plans and policy documents considered for this assessment include:

- Donegal County Development Plan 2024–2030;
- National Marine Planning Framework;
- Water Action Plan 2024 / River Basin Management Plan for Ireland 2022–2027;
- Climate Action Plan 2025;
- Ireland’s 4th National Biodiversity Action Plan 2023–2030.

The Donegal County Development Plan 2024–2030 supports sustainable aquaculture and marine resource development. The Revised NIS notes that the County Development Plan supports aquaculture in the context of Gaeltacht development and specifically supports sustainable aquaculture under the Marine Resources section. The Development Plan also guides planning decisions and public investment in areas including economic development, transport, tourism, and built heritage.

The proposed sites are located within a scenic coastal landscape. Some visual presence of oyster trestles at low tide is expected due to the open nature of Ballyness Bay. However, this effect would be tide-dependent and limited to periods when the trestles are exposed. The proposed clam culture areas would have a lower visual profile than trestle-based oyster culture.

The National Marine Planning Framework applies to Ireland’s maritime area and provides a long-term framework for managing marine activities and the sustainable use of marine resources, including aquaculture. The proposed aquaculture is extensive, low-intensity, spatially limited and non-fed, and is therefore consistent with sustainable marine resource use where environmental safeguards are applied.

The Water Action Plan 2024 / River Basin Management Plan for Ireland 2022–2027 sets out measures to protect and restore water quality in Ireland. The WFD Assessment concludes that the proposed project will not result in deterioration of waterbody status or prevent achievement of Good status.

The Climate Action Plan 2025 sets out Ireland’s roadmap to halve emissions by 2030 and achieve climate neutrality by no later than 2050. The Revised NIS concludes that the proposed shellfish aquaculture activities are low-intensity, do not involve significant energy use or greenhouse gas emissions, and do not conflict with the objectives of the Climate Action Plan 2025.

Ireland's 4th National Biodiversity Action Plan 2023–2030 sets the national biodiversity agenda for that period and aims to deliver transformative change in how nature is valued and protected. The Revised NIS concludes that the proposed project is consistent with the objectives of the National Biodiversity Action Plan and would not undermine implementation of the plan.

T12/407B — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, the proposed development at T12/407B is not predicted to cause a significant negative effect having regard to the statutory status of the area.

T12/409A — Manila clam cultivation (E. & P. O'Brien)

On the basis of the supporting assessments, the proposed development at T12/409A is not predicted to cause a significant negative effect having regard to the statutory status of the area.

T12/409B1&2 — Pacific oyster and Manila clam cultivation (E. & P. O'Brien)

On the basis of the supporting assessments, the proposed development at T12/409B1&2 is not predicted to cause a significant negative effect having regard to the statutory status of the area.

T12/441A — Pacific oyster and Manila clam cultivation (A. McCafferty)

On the basis of the supporting assessments, the proposed development at T12/441A is not predicted to cause a significant negative effect having regard to the statutory status of the area.

T12/441B — Pacific oyster cultivation (A. McCafferty)

On the basis of the supporting assessments, the proposed development at T12/441B is not predicted to cause a significant negative effect having regard to the statutory status of the area.

T12/441C — Pacific oyster cultivation (A. McCafferty)

On the basis of the supporting assessments, the proposed development at T12/441C is not predicted to cause a significant negative effect having regard to the statutory status of the area.

T12/500A — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, the proposed development at T12/500A is not predicted to cause a significant negative effect having regard to the statutory status of the area.

T12/502A — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, the proposed development at T12/502A is not predicted to cause a significant negative effect having regard to the statutory status of the area.

T12/515A — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, the proposed development at T12/515A is not predicted to cause a significant negative effect having regard to the statutory status of the area.

T12/516A — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, the proposed development at T12/516A is not predicted to cause a significant negative effect having regard to the statutory status of the area.

Section 61(c) Summary

On the basis of the supporting assessments, the proposed aquaculture activities are not predicted to cause significant negative effects having regard to the statutory status of the area or the provisions of relevant plans and policy documents.

The project has been considered in the context of Ballyness Bay SAC, the Donegal County Development Plan 2024–2030, the National Marine Planning Framework, the Water Action Plan 2024 / River Basin Management Plan 2022–2027, the Climate Action Plan 2025 and Ireland’s 4th National Biodiversity Action Plan 2023–2030. The supporting assessments conclude that the project will not adversely affect European site integrity, will not cause deterioration of WFD waterbody status, will not hinder achievement or maintenance of MSFD Good Environmental Status, and is consistent with the relevant objectives of the plans considered.

6. Section 61(d): Economic Effects

Section 61(d) requires consideration of the likely effect of the proposed aquaculture development on the economy of the area in which the aquaculture is proposed to be located.

The proposed aquaculture activities would provide direct and indirect economic benefits to the local area through shellfish production, employment, site servicing, stock handling, harvesting, transport and associated supply-chain activity. Ballyness Bay is located in a rural coastal area where small-scale marine enterprises can contribute positively to local economic activity.

The current project comprises 10 aquaculture sites for Pacific oyster and Manila clam cultivation. The proposed activities are extensive in nature, low intensity, and based on natural productivity within the bay,

without external feed inputs. The total estimated annual production across the sites is approximately 63 tonnes.

Updated employment estimates provided by the applicants indicate that the proposed aquaculture activities would support approximately 7 full-time and 10 part-time positions across the 10 sites. These comprise approximately 3 full-time and 4 part-time positions associated with sites T12/409A and T12/409B1&2; 1 full-time and 3 part-time positions associated with sites T12/441A, T12/441B and T12/441C; and 3 full-time and 3 part-time positions associated with sites T12/407B, T12/500A, T12/502A, T12/515A and T12/516A.

Concerns have been raised in relation to the potential interaction between aquaculture, scenic amenity and tourism. Some visual presence of oyster trestles at low tide is expected; however, this would be intermittent and tide-dependent. Shellfish aquaculture is also a recognised coastal activity and can coexist with tourism and recreation where appropriately managed.

T12/407B — Pacific oyster cultivation (J. Coll)

The proposed development at T12/407B is expected to have a small positive economic effect through Pacific oyster production and associated employment, husbandry, harvesting and transport activity. The estimated annual production for this site is approximately 3 tonnes of oysters. The site would contribute to local shellfish production and associated rural coastal employment.

T12/409A — Manila clam cultivation (E. & P. O'Brien)

The proposed development at T12/409A is expected to have a small positive economic effect through Manila clam production and associated employment, husbandry, harvesting and transport activity. The estimated annual production for this site is approximately 10 tonnes of clams. The site would contribute to diversification of shellfish production within Ballyness Bay.

T12/409B1&2 — Pacific oyster and Manila clam cultivation (E. & P. O'Brien)

The proposed development at T12/409B1&2 is expected to have a positive economic effect through combined Pacific oyster and Manila clam production. The estimated annual production for this site is approximately 18 tonnes, comprising approximately 15 tonnes of oysters and 3 tonnes of clams. This is the highest estimated production within the current 10-site project and would make a material contribution to the overall production value of the proposed aquaculture activity.

T12/441A — Pacific oyster and Manila clam cultivation (A. McCafferty)

The proposed development at T12/441A is expected to have a small positive economic effect through combined Pacific oyster and Manila clam production. The estimated annual production for this site is

approximately 3 tonnes of oysters and less than 1 tonne of clams. The site would contribute to local shellfish production and associated employment and servicing activity.

T12/441B — Pacific oyster cultivation (A. McCafferty)

The proposed development at T12/441B is expected to have a small positive economic effect through Pacific oyster production. The estimated annual production for this site is approximately 4 tonnes of oysters. The site would contribute to local aquaculture output and associated operational activity.

T12/441C — Pacific oyster cultivation (A. McCafferty)

The proposed development at T12/441C is expected to have a small positive economic effect through Pacific oyster production. The estimated annual production for this site is approximately 4 tonnes of oysters. The site would contribute to the cumulative economic benefit of the proposed Ballyness Bay aquaculture project.

T12/500A — Pacific oyster cultivation (J. Coll)

The proposed development at T12/500A is expected to have a small positive economic effect through Pacific oyster production. The estimated annual production for this site is approximately 5 tonnes of oysters. The site would support local shellfish production and associated husbandry, harvesting and transport activity.

T12/502A — Pacific oyster cultivation (J. Coll)

The proposed development at T12/502A is expected to have a positive economic effect through Pacific oyster production. The estimated annual production for this site is approximately 12 tonnes of oysters. This represents one of the larger oyster-production sites within the current project and would contribute to the overall economic viability of the proposed aquaculture activity.

T12/515A — Pacific oyster cultivation (J. Coll)

The proposed development at T12/515A is expected to have a small positive economic effect through Pacific oyster production. The estimated annual production for this site is approximately 2 tonnes of oysters. Although modest in scale, the site would contribute to local production and associated operational activity.

T12/516A — Pacific oyster cultivation (J. Coll)

The proposed development at T12/516A is expected to have a small positive economic effect through Pacific oyster production. The estimated annual production for this site is approximately 1 tonne of oysters. The site is small in production terms but forms part of the wider 10-site aquaculture project and would contribute to the cumulative economic benefit of the proposal.

Section 61(d) Summary

On the basis of the supporting information, the proposed aquaculture activities are expected to have a positive economic effect on the local area. The project would support shellfish production, local employment, site servicing, harvesting, transport and associated supply-chain activity.

Updated applicant estimates indicate that the proposed 10-site project would support approximately 7 full-time and 10 part-time positions in total. This employment would arise through shellfish production, husbandry, harvesting, site servicing, transport and associated supply-chain activity.

The total estimated annual production across the current 10-site project is approximately 63 tonnes. The economic effect of individual sites varies according to production scale, with T12/409B1&2 and T12/502A making the largest production contributions. Overall, the proposed project is expected to provide a positive, small-scale rural coastal economic benefit.

7. Section 61(e): Ecological Effects

Section 61(e) requires consideration of the likely effect of the proposed aquaculture operation on wild fisheries, natural habitats, and the fauna and flora of the area.

The proposed aquaculture sites are located within Ballyness Bay SAC and have been assessed in the Revised NIS in relation to relevant European sites, Qualifying Interests and Special Conservation Interests. The Revised NIS concludes that the proposed operations will not adversely affect the integrity of any European site, either alone or in combination, subject to the mitigation identified in that report.

Potential ecological pathways considered include physical disturbance and habitat loss, visual and above-water noise disturbance, organic enrichment/sedimentation, pest and disease risk, introduction of non-native species, and physical disturbance to migratory fish. The proposed aquaculture footprint remains below the relevant 15% habitat-use threshold for disturbance of sedimentary conservation interests, and the proposed access arrangements avoid direct use of Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130].

Potential disturbance to seals using the Ballyness Bay haul-out area has also been considered in the Revised NIS. The current project layout is separated from the identified seal haul-out sandbank, and mitigation includes maintaining appropriate separation from any seals present.

The WFD Assessment concludes that the proposed project will not result in deterioration of waterbody status or prevent achievement of Good status. The MSFD Assessment concludes that the proposed project will not result in deterioration of environmental status or hinder the achievement or maintenance of Good Environmental Status.

T12/407B — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, the proposed development at T12/407B is not predicted to cause significant negative ecological effects. The site is proposed for Pacific oyster cultivation using bags and trestles, remains within the overall aquaculture footprint assessed below the relevant 15% habitat-use threshold, is located away from the identified seal haul-out sandbank, and is included within the Revised NIS conclusion of no adverse effect on European site integrity, subject to mitigation.

T12/409A — Manila clam cultivation (E. & P. O'Brien)

On the basis of the supporting assessments, the proposed development at T12/409A is not predicted to cause significant negative ecological effects. The site is proposed for Manila clam cultivation under mesh, remains within the overall aquaculture footprint assessed below the relevant 15% habitat-use threshold, is located away from the identified seal haul-out sandbank, and is included within the Revised NIS conclusion of no adverse effect on European site integrity, subject to mitigation.

T12/409B1&2 — Pacific oyster and Manila clam cultivation (E. & P. O'Brien)

On the basis of the supporting assessments, the proposed development at T12/409B1&2 is not predicted to cause significant negative ecological effects. The sites are proposed for combined Pacific oyster and Manila clam cultivation, remain within the overall aquaculture footprint assessed below the relevant 15% habitat-use threshold, are located over 200m away from the identified seal haul-out sandbank, and are included within the Revised NIS conclusion of no adverse effect on European site integrity, subject to mitigation.

T12/441A — Pacific oyster and Manila clam cultivation (A. McCafferty)

On the basis of the supporting assessments, the proposed development at T12/441A is not predicted to cause significant negative ecological effects. The site is proposed for combined Pacific oyster and Manila clam cultivation, remains within the overall aquaculture footprint assessed below the relevant 15% habitat-use threshold, is located away from the identified seal haul-out sandbank, and is included within the Revised NIS conclusion of no adverse effect on European site integrity, subject to mitigation. The site was briefly operational before the licences were quashed; all seed, trestles, wooden frames and pole markers have since been removed, and the site has been restored to its previous condition.

T12/441B — Pacific oyster cultivation (A. McCafferty)

On the basis of the supporting assessments, the proposed development at T12/441B is not predicted to cause significant negative ecological effects. The site is proposed for Pacific oyster cultivation using bags and trestles, remains within the overall aquaculture footprint assessed below the relevant 15% habitat-use threshold, is

located away from the identified seal haul-out sandbank, and is included within the Revised NIS conclusion of no adverse effect on European site integrity, subject to mitigation.

T12/441C — Pacific oyster cultivation (A. McCafferty)

On the basis of the supporting assessments, the proposed development at T12/441C is not predicted to cause significant negative ecological effects. The site is proposed for Pacific oyster cultivation using bags and trestles, remains within the overall aquaculture footprint assessed below the relevant 15% habitat-use threshold, is located away from the identified seal haul-out sandbank, and is included within the Revised NIS conclusion of no adverse effect on European site integrity, subject to mitigation.

T12/500A — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, the proposed development at T12/500A is not predicted to cause significant negative ecological effects. The site is proposed for Pacific oyster cultivation using bags and trestles, remains within the overall aquaculture footprint assessed below the relevant 15% habitat-use threshold, is located away from the identified seal haul-out sandbank, and is included within the Revised NIS conclusion of no adverse effect on European site integrity, subject to mitigation.

T12/502A — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, the proposed development at T12/502A is not predicted to cause significant negative ecological effects. The site is proposed for Pacific oyster cultivation using bags and trestles, remains within the overall aquaculture footprint assessed below the relevant 15% habitat-use threshold, is located away from the identified seal haul-out sandbank, and is included within the Revised NIS conclusion of no adverse effect on European site integrity, subject to mitigation.

T12/515A — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, the proposed development at T12/515A is not predicted to cause significant negative ecological effects. The site is proposed for Pacific oyster cultivation using bags and trestles, remains within the overall aquaculture footprint assessed below the relevant 15% habitat-use threshold, is located away from the identified seal haul-out sandbank, and is included within the Revised NIS conclusion of no adverse effect on European site integrity, subject to mitigation. The site was briefly operational before the licences were quashed; all seed, trestles, wooden frames and pole markers have since been removed, and the site has been restored to its previous condition.

T12/516A — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, the proposed development at T12/516A is not predicted to cause significant negative ecological effects. The site is proposed for Pacific oyster cultivation using bags and trestles, remains within the overall aquaculture footprint assessed below the relevant 15% habitat-use threshold, is located away from the identified seal haul-out sandbank, and is included within the Revised NIS conclusion of no adverse effect on European site integrity, subject to mitigation.

Section 61(e) Summary

On the basis of the supporting assessments, the proposed 10-site aquaculture project is not predicted to cause significant negative ecological effects.

The Revised NIS concludes that the proposed operations will not adversely affect the integrity of any European site, either alone or in combination, subject to the mitigation identified in that report. The proposed aquaculture footprint remains below the relevant 15% habitat-use threshold for disturbance of sedimentary conservation interests, the proposed access arrangements avoid Fixed coastal dunes [2130], and the sites are located away from the identified seal haul-out sandbank.

The WFD and MSFD assessments do not identify waterbody-status or wider marine-environment effects that would alter this conclusion. Subject to implementation of the mitigation and operational controls identified in the supporting assessments, no significant negative effect on wild fisheries, natural habitats, flora or fauna is predicted.

8. Section 61(f): General Environmental Effects

Section 61(f) requires consideration of any other likely effects on the environment in general in the vicinity of the proposed aquaculture sites.

The proposed aquaculture activities are extensive in nature and do not require external feed inputs or routine medicinal inputs. The main general environmental considerations relate to water quality, sediment disturbance, organic enrichment/sedimentation, hydromorphology, biosecurity, pest and disease risk, and the potential introduction or spread of non-native species.

The WFD Assessment concludes that the proposed project will not result in deterioration of waterbody status and will not prevent the achievement of Good status. The MSFD Assessment concludes that the proposed project will not result in deterioration of environmental status or hinder the achievement or maintenance of Good Environmental Status. The Revised NIS also includes mitigation relating to biosecurity, stock management, invasive species risk and use of triploid oysters.

T12/407B — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, the proposed development at T12/407B is not predicted to cause significant general environmental effects. The site is proposed for Pacific oyster cultivation using bags and trestles, is extensive in nature, and does not involve external feed inputs. Subject to standard husbandry, biosecurity and operational controls, no significant general environmental effect is predicted.

T12/409A — Manila clam cultivation (E. & P. O'Brien)

On the basis of the supporting assessments, the proposed development at T12/409A is not predicted to cause significant general environmental effects. The site is proposed for Manila clam cultivation under mesh on the intertidal/subtidal foreshore. Subject to appropriate stock sourcing, fish-health controls, biosecurity and operational management, no significant general environmental effect is predicted.

T12/409B1&2 — Pacific oyster and Manila clam cultivation (E. & P. O'Brien)

On the basis of the supporting assessments, the proposed development at T12/409B1&2 is not predicted to cause significant general environmental effects. The sites are proposed for combined Pacific oyster and Manila clam cultivation. Subject to standard husbandry, biosecurity, stock-management and operational controls, no significant general environmental effect is predicted.

T12/441A — Pacific oyster and Manila clam cultivation (A. McCafferty)

On the basis of the supporting assessments, the proposed development at T12/441A is not predicted to cause significant general environmental effects. The site is proposed for combined Pacific oyster and Manila clam cultivation. The current baseline is that all previously installed stock and infrastructure have been removed and the site has been restored to its previous condition. Subject to standard husbandry, biosecurity and operational controls, no significant general environmental effect is predicted.

T12/441B — Pacific oyster cultivation (A. McCafferty)

On the basis of the supporting assessments, the proposed development at T12/441B is not predicted to cause significant general environmental effects. The site is proposed for Pacific oyster cultivation using bags and trestles, is extensive in nature, and does not involve external feed inputs. Subject to standard husbandry, biosecurity and operational controls, no significant general environmental effect is predicted.

T12/441C — Pacific oyster cultivation (A. McCafferty)

On the basis of the supporting assessments, the proposed development at T12/441C is not predicted to cause significant general environmental effects. The site is proposed for Pacific oyster cultivation using bags and

trestles, is extensive in nature, and does not involve external feed inputs. Subject to standard husbandry, biosecurity and operational controls, no significant general environmental effect is predicted.

T12/500A — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, the proposed development at T12/500A is not predicted to cause significant general environmental effects. The site is proposed for Pacific oyster cultivation using bags and trestles, is extensive in nature, and does not involve external feed inputs. Subject to standard husbandry, biosecurity and operational controls, no significant general environmental effect is predicted.

T12/502A — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, the proposed development at T12/502A is not predicted to cause significant general environmental effects. The site is proposed for Pacific oyster cultivation using bags and trestles, is extensive in nature, and does not involve external feed inputs. Subject to standard husbandry, biosecurity and operational controls, no significant general environmental effect is predicted.

T12/515A — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, the proposed development at T12/515A is not predicted to cause significant general environmental effects. The site is proposed for Pacific oyster cultivation using bags and trestles. The current baseline is that all previously installed stock and infrastructure have been removed and the site has been restored to its previous condition. Subject to standard husbandry, biosecurity and operational controls, no significant general environmental effect is predicted.

T12/516A — Pacific oyster cultivation (J. Coll)

On the basis of the supporting assessments, the proposed development at T12/516A is not predicted to cause significant general environmental effects. The site is proposed for Pacific oyster cultivation using bags and trestles, is extensive in nature, and does not involve external feed inputs. Subject to standard husbandry, biosecurity and operational controls, no significant general environmental effect is predicted.

Section 61(f) Summary

On the basis of the supporting assessments, the proposed 10-site aquaculture project is not predicted to cause significant general environmental effects.

The proposed activities are extensive, low-intensity and non-fed. The WFD Assessment concludes that the project will not cause deterioration in waterbody status or prevent achievement of Good status, and the MSFD Assessment concludes that the project will not hinder achievement or maintenance of Good Environmental

Status. Subject to implementation of standard husbandry, biosecurity, stock-management and operational controls, no significant general environmental effects are predicted.

9. Section 61(g): Effects on Man-Made Heritage

Section 61(g) requires consideration of the likely effect of the proposed aquaculture operation on man-made heritage in the area.

No direct effects on known terrestrial or marine man-made heritage features are predicted as a result of the proposed aquaculture activities. The proposed sites are located on intertidal foreshore areas and the activities comprise extensive shellfish cultivation using bags and trestles for Pacific oysters and mesh-based cultivation for Manila clams. No excavation, permanent built development, dredging of archaeological material, or works to known built heritage features are proposed.

T12/407B — Pacific oyster cultivation (J. Coll)

The proposed development at T12/407B is not predicted to affect man-made heritage. No works to known heritage features are proposed.

T12/409A — Manila clam cultivation (E. & P. O'Brien)

The proposed development at T12/409A is not predicted to affect man-made heritage. No works to known heritage features are proposed.

T12/409B1&2 — Pacific oyster and Manila clam cultivation (E. & P. O'Brien)

The proposed development at T12/409B1&2 is not predicted to affect man-made heritage. No works to known heritage features are proposed.

T12/441A — Pacific oyster and Manila clam cultivation (A. McCafferty)

The proposed development at T12/441A is not predicted to affect man-made heritage. No works to known heritage features are proposed.

T12/441B — Pacific oyster cultivation (A. McCafferty)

The proposed development at T12/441B is not predicted to affect man-made heritage. No works to known heritage features are proposed.

T12/441C — Pacific oyster cultivation (A. McCafferty)

The proposed development at T12/441C is not predicted to affect man-made heritage. No works to known heritage features are proposed.

T12/500A — Pacific oyster cultivation (J. Coll)

The proposed development at T12/500A is not predicted to affect man-made heritage. No works to known heritage features are proposed.

T12/502A — Pacific oyster cultivation (J. Coll)

The proposed development at T12/502A is not predicted to affect man-made heritage. No works to known heritage features are proposed.

T12/515A — Pacific oyster cultivation (J. Coll)

The proposed development at T12/515A is not predicted to affect man-made heritage. No works to known heritage features are proposed.

T12/516A — Pacific oyster cultivation (J. Coll)

The proposed development at T12/516A is not predicted to affect man-made heritage. No works to known heritage features are proposed.

Section 61(g) Summary

The proposed aquaculture activities are not predicted to affect man-made heritage. No known terrestrial or marine heritage features would be directly affected, and no works to known heritage features are proposed.

10. Overall Section 61 Assessment Summary

This supporting information has been prepared to assist ALAB in its consideration of the Section 61 matters for the current 10-site Ballyness Bay aquaculture project.

On the basis of the supporting assessments, the proposed sites are considered suitable for extensive intertidal Pacific oyster and Manila clam cultivation. The project footprint remains below the relevant 15% habitat-use threshold, avoids direct use of Fixed coastal dunes [2130], and is separated from the identified seal haul-out sandbank.

The proposed activities are not predicted to significantly interfere with other beneficial uses of Ballyness Bay, including walking, tourism, kayaking, windsurfing and recreational angling. The sites are not located within the principal low-tide angling channels. Any interaction with water-sports users or visual effects at low tide can be managed through site marking, operational controls and licence conditions.

The project has been considered in the context of Ballyness Bay SAC, relevant European sites, the Donegal County Development Plan 2024–2030, the National Marine Planning Framework, the Water Action Plan 2024/River Basin Management Plan 2022–2027, the Climate Action Plan 2025 and Ireland’s 4th National Biodiversity Action Plan 2023–2030. No significant conflict with these statutory or policy considerations has been identified.

The project is expected to have a positive local economic effect through shellfish production, employment, husbandry, harvesting, transport and associated supply-chain activity. Estimated annual production across the 10 sites is approximately 63 tonnes.

No significant negative ecological or general environmental effects are predicted. The Revised NIS concludes no adverse effect on European site integrity, subject to mitigation. The WFD and MSFD assessments conclude that the project will not cause deterioration of waterbody status or hinder achievement or maintenance of Good Environmental Status.

No effects on man-made heritage are predicted.

Overall, subject to implementation of the mitigation, operational controls and any licence conditions imposed by the competent authority, the proposed 10-site Ballyness Bay aquaculture project is considered compatible with the Section 61 consideration.