

AP7/2017

Michael McLaughlin

Site Ref: T12/470

Appeal



**NOTICE OF APPEAL UNDER SECTION 40(1) OF
FISHERIES (AMENDMENT) ACT 1997 (NO. 23)**

Name and address of appellant: Michael Mc Laughlin, --



Telephone:..... Fax: N/A
Mobile Tel: .. E-mail address: ..

Subject matter of the appeal:

Do not agree with decision not to grant license on visual and landscape issues. The landscape has no high amenity rating and the licence areas and adjacent roadways are low lying, remote from designated viewpoints, and covered by seawater for the majority of the time, and they are not in any designated local development plan. This has not happened in any other Aquaculture bay in the country.

Site Reference Number:-

(as allocated by the Department of Agriculture, Food and the Marine)
T12/470

Appellant's particular interest
in the outcome of the appeal:

That I will be able to use the Aquaculture site to farm oysters in that area.

Outline the grounds of appeal (and, if necessary,
on additional page(s) give full grounds of the
appeal and the reasons, considerations and
arguments on which they are based):

Please find attached

Fee enclosed:.....380.92..... €

(payable to the Aquaculture Licences Appeals Board in accordance with the Aquaculture Licensing Appeals (Fees) Regulations, 1998 (S.I. No. 449 of 1998))(See Note 2)

Signed by appellant Michael P Mc Laughlin Date: 22/11/17

Note 1: This notice should be completed under each heading and duly signed by the appellant and be accompanied by such documents, particulars or information relating to the appeal as the appellant considers necessary or appropriate and specifies in the Notice.

Note 2: The fees payable are as follows:

Appeal by licence applicant.....€380.92

Appeal by any other individual or organisation€152.37

Request for an Oral Hearing (fee payable in addition to appeal fee)€76.18

In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded.



AQUACULTURE LICENCES
APPEALS BOARD

29 NOV 2017

RECEIVED

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Michael McLaughlin

22nd November 2017

Dear Sir/Madam,

RE: Aquaculture License Application T12/470 - Trawbreaga Bay Co. Donegal

I wish to appeal the above decision which was taken by the Minister on 15th November to refuse approval for an aquaculture license in Trawbreaga Bay, Co. Donegal. The license application was concerned with the cultivation of oysters using bags and trestles.

I believe that the Designated Shellfish Aquaculture area that my application related to is a living and working section of coastline and I do not agree with the basis under which the license application was turned down (Landscape and Visual) for the following reasons:

- 1) The County Development plan does not identify any views or prospects in the vicinity of this licence application and our culture area does not fall within an Area of Especially High Scenic Amenity (EHSA) (See Map 1 attached - Appendix One).

The Policy objective of the Donegal Development Plan aims **"to protect the character of the landscape where and to the extent that, the proper planning and development of the area requires it, including the preservation of views and prospects and the amenities of places and features of natural beauty or interest."**

The degree of any impact on the landscape or visual amenity of the surrounding areas will be based on a number of factors that include:

- Distance;
- Duration of viewing opportunities; and
- Amenity expectations.

It can clearly be seen from Map 1 that the new and existing licences in Trawbreaga Bay are some distance from designated views or prospects and areas of Especially High Scenic Amenity (EHSA).

- 2) The view is extremely intermittent on the R242 given the low-lying nature of this road, the type of substrate (Rocky, muddy shore with Seaweed growth), the absence of laybys, and the presence of a hedge all along the seaward margin. It is a stretch of road on with a continuous white line with absolutely no way of stopping and viewing (See Attached Picture 1). The duration of the view is further curtailed by the fact that oyster trestles are only visible during daylight low waters (2-4 hrs per day on spring tides).
- 3) The Trestles are low-lying, which reduces their overall wider visibility and makes them easier to accommodate in long, low coastal landscapes such as this bay.
- 4) The amenity expectations of the area relate to the local landscape character - A6ES (Agricultural Estuarine) covering *"Coastal low lying agricultural areas inland from sea estuaries at various locations along the coast including Trawbreaga Bay in Inishowen and The Big Isle in Letterkenny"*¹ and the traditional maritime character of the area. There is a long tradition of culturing and harvesting shellfish in Ireland (e.g. oysters) from the earliest settlers onward. Aquaculture (the farming of both fish and shellfish) has developed significantly in the past century and is now an important supplement to traditional inshore fishery production. Coastal fisheries are depleted and unless aquaculture activity supplements inshore fishery activity there will be an unavoidable decline in coastal communities and a loss of maritime heritage and traditional skills. In this situation economic activity such as ours underpins the landscape amenity of the area.
- 5) The Sensitivity of the area to landscape and visual amenity impacts associated with the application is considered to be low. The landscape has no high amenity rating (Map 1- Appendix One) and the licence areas and adjacent roadways are low lying, remote from designated viewpoints, and covered by seawater for the majority of time, that do not form part of any designated local development plan.

¹ Landscape Character Assessment of County Donegal -

<http://www.donegalcoco.ie/media/donegalcountyc/planning/pdfs/viewdevelopmentplans/draftlandscapecharacterassessmentofcodonegal/draftlandscapecharacterassessment/Landscape%20Character%20Assessment%20Part%201.pdf>

- 6) Aquaculture is an important industry for rural Donegal, in particular for this Northwest coast. Chapter 8 of the County Development Plan includes the aim **"To support marine resource developments which contribute to the socio-economic and sustainable development of the County"** and under this aim the council contend that **"In accordance with Government policy, the Council will support the sustainable development of the aquaculture sector to maximise its contribution to economic growth within the County. In particular, the Council acknowledge the development and expansion of the oyster farming industry in the County and its potential in terms of employment and product export."**
- 7) The impact of aquaculture on tourism in Ireland is currently unknown. Clear empirical evidence is lacking and discussion to date is based on individual concerns and anecdotal evidence. There was a study that investigated the relationship between aquaculture and tourism in Scotland, which states clearly there is no evidence to suggest that current levels or future expansion of aquaculture impacts tourists' willingness to visit Scotland¹.
- 8) In Ireland, there is a huge ongoing initiative by Failte Ireland and Bord Iascaigh Mhara, which has grasped on the massive potential for developing linkages between tourism and aquaculture in coastal areas, especially for the smaller shellfish farms, all along the west coast of Ireland, under the initiative "Taste the Atlantic: A seafood Journey Trail". The success of Donegal's oyster industry, which is now valued at over €11 million, is currently being celebrated at a current oyster exhibition showcasing Oysters from Trawbreaga Bay, at Doah famine Village in Inishowen, and is part of this seafood trail whereby reports indicate that it has given a huge boost to tourism in the area.

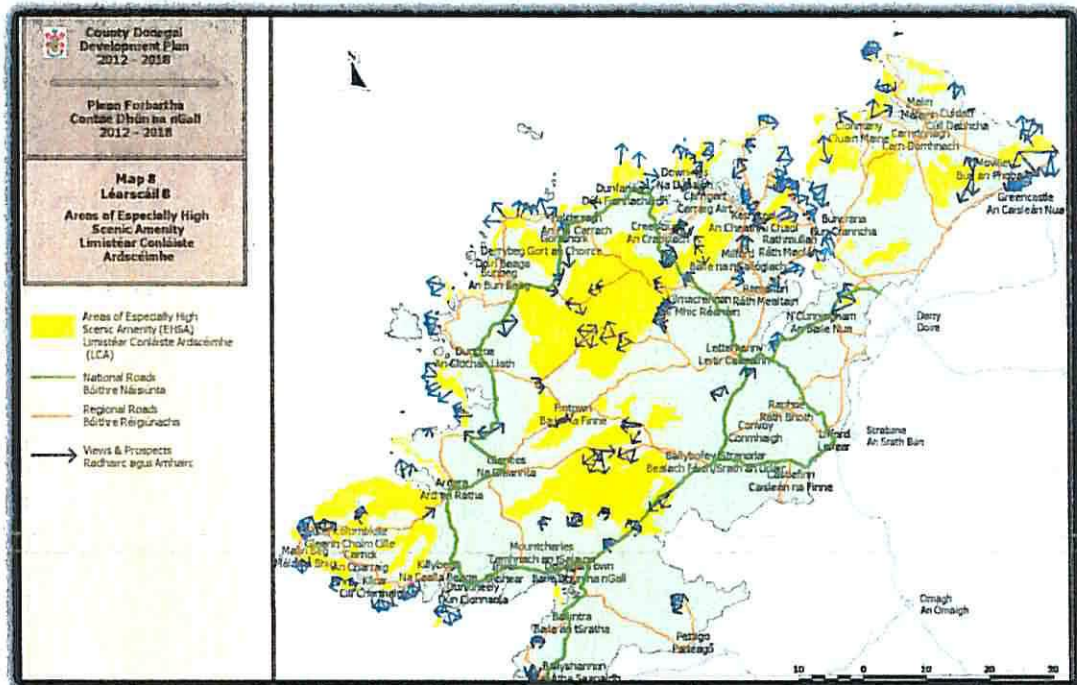
I am hoping all these points of clarification will be taken into account when my appeal is being examined. I am hoping for a fair and successful outcome so that I can expand my business and continue to live and work in rural Donegal.

Yours Sincerely, Michael McLaughlin

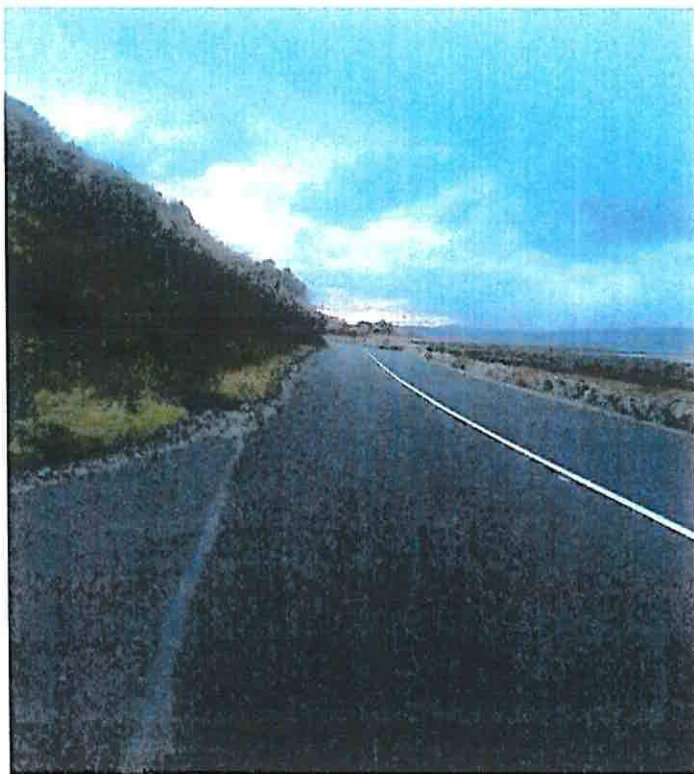
¹ Does fish farming impact tourism of Scotland -?

<http://www.consult-poseidon.com/fishery-reports/Aquaculture%20impacts%20and%20tourism%20AR%202011.pdf>

Map 1: Areas of Especially High Scenic Amenity as designated in County Donegal Development Plan 2012 - 2018



Picture 1



The R242 Road along the proposed oyster site.

(Taken November 2017)

