

AP1/1-2/2017

T12/410

Licencee

submission

Desmond Moore &

Thierry Gillardeau

Aquaculture License Appeals Board
An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Kilminchy Court
Portlaoise
Co. Laois



ALAB Ref.: AP/1/1-2/2017

3rd March 2017

Site Ref.: T12/410 A and B

Applicants: Mr Desmond Moore
Ballymagroarty, Ballintra
Co. Donegal
IRELAND

Mr Thierry Gillardeau
Baie de Sinche, BP 70-17560
Bourcefranc
FRANCE



Aquaculture Licence Appeal

Cover letter

Dear Mary O'Hara,

✓ sent 9/3/17

Please find attached to this letter our response to the Third Party Appeal against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture and Foreshore Licence to the cultivation of Pacific Oysters using bags and trestles on Site T12/410 A and B in Braade Strand, Gweedore Bay. This cover letter aims to introduce ourselves, Mr Desmond Moore and Mr Thierry Gillardeau, in order to provide insight into the circumstances of the initial licence application.

We are the directors of 25 oyster farming companies which supply some of the highest quality of oysters in the world to most of Europe. Global brand recognition of our oysters stems from our ability to supply high quality oysters from our companies around Europe, most of which are in Ireland with companies based in Donegal, Wexford, Dungarvan, Kinsale, Oysterhaven, Caherciveen, Cromane, Killala and Kilkeel in Northern Ireland. Aside from producing oysters, we also purchase oysters from other Irish partners. In total, we produce and purchase around 2 000 tonnes of marketable oysters per year which represents more than 22% of the total Irish oyster

production market. Our activities generates around 170 full-time employment of oyster farmers in Ireland. Our companies generate profit which allows us to actively contribute to the Irish economy via taxes. As almost all the oysters are exported, our companies help to generate a positive export balance for Ireland.

Even though these aforementioned figures are an important part of our business, we would like to emphasise that a family-centered philosophy is engrained in our company doctrine accompanied by more than 120 years of experience.

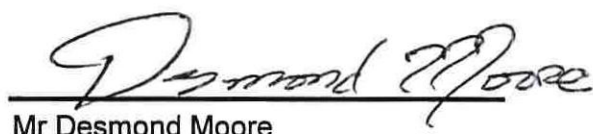
For every new company we establish, our goal has always been to integrate and adapt to the local community and environment as much as possible by employing local people and choosing local companies to supply the goods and services we need, including accommodation, food, fuel and steel suppliers, electricians, plumbers, builders, etc. We are also very respectful of the local community and environment by sponsoring local sport clubs and being parts of oyster farmer associations. Each time we installed on new site we adapt to the specific requests of locals such as allowing boat access, tracks for horse riders, tracks to access a specific place on a beach, etc. Furthermore, all our managers are required to take responsibility of cleaning and maintaining the sites and the surrounding beaches free of all wastes and detritus coming from our farm as well as other sources. We are always proud to show our customers and partners our pristine sites which is reflected in the high quality of our products.

Oyster farming is highly laborious relying on human labour and the local environment, and we cannot be successful in our business without respecting them both. The production of oysters is the only aquaculture production system that is CO₂ positive because the CO₂ consumed by the oysters to produce the shell is more environmentally important than the effect CO₂ used to produce and ship the oysters has on the environment.

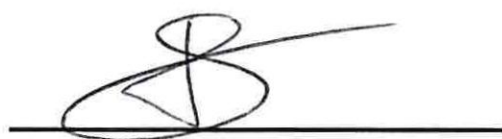
Each new installation of our sites has generated fears and reluctance from the local communities which is completely understandable but a look at all our existing sites is a testament to how successful we are at integrating and participating to the local community.

We understand all the points given by the appellants but believe that they are not based on the reality of the oyster farming industry nor does it reflect the respectful philosophy of our company.

Best regards,



Mr Desmond Moore



Mr Thierry Gillardeau

Aquaculture License Appeals Board
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Aquaculture Licence Appeal

First Party Response to Third Party Appeals

RE: Appeal against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture and Foreshore Licence to Thierry Gillardeau and Desmond Moore for the cultivation of Pacific Oysters using bags and trestles on Site T12/410 A and B in Braade Strand, Gweedore Bay

Dear Sir/Madam,

The following is our first party response to the third party appeal lodged in relation to the above development for which the Minister for Agriculture, Food and the Marine has approved the granting of a 10-year Aquaculture Licence and accompanying Foreshore Licence to the applicant. The ministerial approval was granted by the Department of Agriculture, Food and the Marine on 22nd August 2016.

A third party appeal was lodged by Mr Michael Gillespie on behalf of The Carrickfin Trust Limited, Braade, Kincasslagh, Co. Donegal, Coiste Timpeallachta an Ghaoith c/o Áislann Rann na Feirste, Letterkenny, Co. Donegal, and Coláiste Bhríde Rann na Feirste, Rannafast, Annagry, Co. Donegal. We note that Mr Gillespie submitted an objection to the aquaculture licence application to the Department of Agriculture, Food and the Marine on the 13th of January 2017 on the following grounds:

1. The licenses were granted in an arbitrary and autocratic manner by the Minister, particularly the lack of a professional Environmental Impact Assessment (EIA), as the sites in question are in a Special Area of Conservation (SAC), and the grounds for foregoing the need of an EIA were based on incorrect assumptions and facts
2. Negative impact on local marine environment and aquatic/marine birdlife
3. New licences were granted without any community consultation and without any appropriate public notice or public participation in the application process
4. Lack of proper industrial scale facilities for packaging or storing shellfish prior to transportation
5. Concerns with the vastly increasing scale of aquaculture activities in relation to:
 - a. dramatic visual impact on the foreshore detracting from an area of outstanding natural beauty which will have a negative impact on tourism in Donegal
 - b. aquaculture activities will affect the success of Gaeltacht summer schools
 - c. lack of evidence of any benefit/positive impact of the proposed aquaculture activities on the economy of the local area
 - d. claim that seaweed harvesting is the only historical aquaculture activity of the area and that fisheries are not
6. Insufficient level of treatment of waste water by Annagry Waste Water Treatment Plant suggesting low water quality in the bay conducive to successful oyster farming

The complete objection can be found in Appendix I of this letter.

The rationale of the appellant regarding their appeal is based on the following:

Subject matter of the appeal:

"Determination by the Minister for Agriculture, Food and the Marine to grant aquaculture and Foreshore Licences for the cultivation of pacific oysters using bags and trestles on two sites at Braade Strand, Gweedore Bay, County Donegal."

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

"The Carrickfin Trust Limited is a Company Limited by Guarantee which has charitable status and the Company was set up in the year 2000 by local environmentalists and property owners to protect and enhance the local environment and to seek to preserve and improve the local Gweedore Bay and Islands special area of conservation and the company owns approximately 100 acres of land along the western shoreline of the Braade/Carrickfin peninsula, which is maintained as conservation land. All of the other Appellants named above are owner occupiers of dwelling houses and land in Braade with lands immediately adjoining the foreshore at Braade Strand or in very close proximity thereto."

"Appellants live in the Rann na Feirste, Rann Mónadh, Carriag Fhinn and Bráid townlands on each side of the Braade-Gweedore Bay. All appellants interested in this issue live in the area, east west and the north of the bay which is reflected in the membership of our committee. The overwhelmingly majority of us have lived here all our lives. We recognize that Foreshore is a very beautiful and important element of our everyday life. A significant recreational resource and a cultural and natural heritage repository."

Submission to Appeals Board and Applicants' Responses:

The appellant has structured their appeal based on the reasons and considerations provided by the Minister for Agriculture, Food and the Marine with regards to his decision to dispense with the need for an EIA. Furthermore, the appellant refers to the proposed development "in conjunction with adjoining proposed additional developments" and the impact of all proposed developments as one entity. The applicant cannot comment on the cumulative effect of all licences granted by the Minister on the same general area of foreshore nor on the reasons given for foregoing the need for an EIA. We suggest that the appellants approach the Minister directly with regards to the other licences granted in the same area in question and the departmental procedure implemented. We respond to the other items raised by the appellants under the following headings:

a) Magnitude and scale, and locality of the development:

The appellant states:

"An understatement of the nature and scale of the proposed development of two sites covering 17.4025 hectares the Minister failed to take account of the magnitude and scale of the development..."

The applicant can confirm that although the size of the two sites equates to a total of 17.4025 hectares, only 10 to 12 hectares will be utilised at any given time. This will allow for spacing of the oyster bags and trestles and will ensure all areas of the sites will be rested during the period it is used as an oyster farm.

The appellant has implied that the Minister was incorrect in stating that the population density in the surrounding area of the proposed site is low. Table 1 presents the total population from the Census results from 2011 for all adjacent areas indicating that, indeed, the population density is low. The census results from 2016 have not yet been confirmed, however, preliminary results show that a decrease of about 5% in the population size is a general trend in this area of Donegal. All figures have been retrieved from the Central Statistics Office.

**Table 1: Population and households of Townlands adjacent to proposed site
(based on 2011 census)**

Townland	Population	Occupied houses	Vacant houses	Vacancy Rate (%)
Annagry	374	157	131	44.7%
Braade	88	37	36	48.6%
Carrickfinn	16	7	21	75.0%
Rann na Feirste	320	116	51	30.4%
TOTAL	798	317	239	49.68% (average)

The applicants have also vetted a perimeter of approximately 750m from the proposed site and found that no more than 40 houses directly overlook the bay. Thus, based on the census results of 2011, only 12.62% of all households in the townlands in the vicinity of the proposed site overlook the bay.

b) Visual impact and recreational use of the beach

The locality of the proposed sites is said to be in *"pristine condition"* and of *"exceptionally high scenic value"*. The appellants also state that they recognize the foreshore as *"a very beautiful and important element of our everyday life"*. The applicant does not deny that the Braade/Carrickfin peninsula is a beautiful area of natural beauty, however, the close proximity of the proposed site to Donegal Airport (less than 1km away) means that the location of the proposed site cannot qualify as in *"pristine condition"* or an area of *"exceptionally high scenic value"*. Furthermore, the

fundamentals of oyster farming relies on the natural tides. The bags and trestles are fixed in the intertidal zone and exposed during low tide and thus remain covered by seawater for approximately 16 hours per day. They will only be visible during low tide which occurs twice a day for a maximum of 8 hours per day, based on a daily average of normal as well as neap and spring tides. Of the 8 hours that the bags and trestles are not completely submerged under seawater, half of these occur during nightfall, thus, in total, they will be visible to persons on the adjacent beach for approximately 4 hours out of the total average of 12 hours of daylight per day.

Currently, there is an oyster farm on the northern side of the Braade whose management implements an exceptional standard of production which is evident by photographs available in Appendix II. The photographs show that bags and trestles fit nicely into the area and do not interfere with any potential beach walking and other recreational activities. They are placed in a manner that does not affect the aesthetics of the natural environment.

The appellants show concern for walkers who would use the beach. However, the oyster trestles will be placed approximately 200m from the top of the beach, leaving adequate room for walking and other recreational activities.

c) Economic impact

The appellants claim that the presence of the aquaculture activities could potentially lead to the *“devaluation of lands and houses in the neighbourhood and loss of potential tourist revenue to the local economy”*. Even though the area in question is a beautiful part of Donegal, tourism in the area is currently still quite low. This is evident in the sheer lack of non-residential accommodation in the area. Moreover, there is no evidence that oyster farms, in general, lead to a decrease in tourism or devaluation of lands and houses. Using France as an international example, areas of high oyster production in France are also very popular tourist destinations e.g. Ile d’Oléron, Ile de Ré, Fouras, Bretagne, Arcachon and Normandy. Ile de Ré, in particular, attracts an upper-class tourist clientele yet this 25km by 4km island produces between 6 000 and 8 000 tonnes of oysters a year. Looking at national examples, Caherciveen, Kinsale, Killala and Westport are also areas where oyster farming is rife but tourism is also high. As mentioned above, there will be adequate room for walking and other recreational activities for the tourists that do visit the beach in any case.

The oyster farming could play on the curiosity factor of tourists by attracting tourists to witness where the oysters they consume come from. Furthermore, the local economy cannot rely on tourism to benefit them throughout the year, whereas the oyster farm will provide a consistent and reliable source of income for the local economy.

The proposed farm will employ a minimum of three full-time staff as well as 3 to 5 part-time staff who will become residents of the immediate area bringing with them their spending power to purchase fuel, food, and other household items locally. The applicants currently employ over 60 full-time staff in rural Ireland who collectively have an income of about €1.4m.

As indicated in Table 1, a total of 239 dwellings are vacant. Therefore, the influx of persons with an income would greatly benefit the economic and social aspects of the area.

d) Local heritage

The appellants show concern for the loss of the local heritage with regards to the historical aquaculture activities that take place in the area. They state that seaweed harvesting is the traditional industry of the area. By embracing the potential new oyster farming activities, the area will benefit from a new aquaculture activity that will not only benefit the local economy, but enrich local skillsets and expand the range of activities that benefit from the beach. Moreover, the area in question currently does not have any industries in the food production sector and oyster farming could be a way to make an impact on the production potential of rural Donegal.

The applicant would also like to emphasise that oyster farms do not implement permanent structures, and when the trestles are removed, the beach will return to its original state prior to the installation of the proposed oyster farm.

There is also no evidence of the presence of the proposed aquaculture activities affecting the Gaeltacht heritage and the speaking of Gaeilge in the area, nor the influx of students wanting to learn and/or improve their Gaeilge.

e) Production procedures and protocols

Several concerns were noted by the appellants in view of the production procedures and protocols of the proposed oyster farm. To ensure that the proposed production

activities do not breach any regulations in the Fisheries (Amendment) Act of 1997, the applicants can confirm the following:

- i. Proposing a maximum of 4 000 bags per hectare, which is substantially lower than the maximum suggested for oyster farm (6 000 bags is the suggested maximum)
- ii. The applicants have over 50 years of combined experience and knowledge of oyster farming ensuring that the farm is monitored and managed correctly
- iii. Oysters cannot escape the bags
- iv. It is in the interest of the applicants to protect and maintain the beach and bay in general to ensure the longevity of the aquaculture activities

The appellants also make a mention of the by Annagry Waste Water Treatment Plant suggesting low water quality in the bay conducive to successful oyster farming, which is false. The evident success of the oyster farm on the northern side of the bay, who currently produce and sell oysters from the same bay, suggests that the presence of the waste water treatment plant has no effect on the potential of oyster farming in the bay. Monitoring, management and inspection of the oyster farming protocols will ensure that the oysters produced are of a high quality and remain unaffected by the presence of the wastewater treatment plant. The applicants will also implement an oyster purification step in their processing protocol prior to the placement of the product on the market. One of the philosophies of the applicant is to ensure clean sites by employing a high level of trestle husbandry, leaving no debris on the beach. Other sites owned by the applicant are proof of their immaculate production procedures (see Appendix II).

The applicants can confirm that only minimal tractor activity will be present in and around the proposed sites, and mostly in the months of October to March. The tractors will not cause any road obstructions in the area nor will it damage the beach in any way.

f) Environmental impact

Eutrophication of coastal waters, which causes increased primary production and often leads to hypoxia, is a serious environmental problem in many places worldwide (Diaz and Rosenberg, 1995). Oysters are filter-feeders that act as biological filters playing an important role in the top-down control of primary symptoms of eutrophication which improves the oxygenation of bottom water and the restoration of submerged aquatic vegetation (Ferreira and Bricker, 2016). The oysters concentrate suspended

particulate matter from the water column as it flows through the oyster farm, producing waste particles in the form of faeces and pseudofaeces generally referred to as 'biodeposits'. Biodeposits are heavier than their constituent particles, and readily settle on the seabed beneath the farm (Haven and Morales-Alamo, 1966; Kusuki, 1981; Mitchell, 2006). Since biodeposits are organic-rich and consist of a substantial proportion of fine particles (i.e. silt and clay), seabed sediments beneath oyster cultures can become organically enriched and fine-textured relative to surrounding areas (Forrest *et al.*, 2009).

Natural oyster reefs are an important ecosystem and sadly form one of the most degraded habitats in the world; roughly 85% of oyster reef habitat has been lost globally over the past 130 years (Lotze *et al.* 2006, Beck *et al.*, 2011). As a consequence, there is much interest in the restoration of degraded oyster reefs as a means of top-down control of phytoplankton densities in eutrophic estuaries and coastal waters (Newell, 2004; Cerco and Noel, 2007; Newell *et al.*, 2002, 2007). Research has suggested that increased oyster farming activities can have a comparable function to restored oyster reefs (Lin *et al.*, 2009).

Moreover, marine farm structures and artificial structures in general, provide a three-dimensional reef habitat for colonisation by fouling organisms and associated biota (Costa-Pierce and Bridger, 2002). Elevated aquaculture structures such as trestles provide a novel habitat that can support a considerably greater biomass, richness and density of organisms than adjacent natural habitats (Dealteris *et al.*, 2004). Research has shown that the biota fouling on artificial structures such as trestles can comprise a diverse assemblage of macroalgae and filter-feeding invertebrates (Hughes *et al.*, 2005). Hence, the role played by the trestles plays an important role within the ecosystem, such as increasing local biodiversity, enhancing coastal productivity, and compensating for habitat loss from human activities (Ambrose, 1994; Costa-Pierce and Bridger, 2002; Hughes *et al.*, 2005).

The trestles will also provide a refuge from predation, a settlement surface, food, and protection from physical (e.g. water movement) and physiological (e.g. dessication) stress for other marine fauna (Forrest *et al.*, 2009), leading to the aggregation of various fish species around the elevated aquaculture activities (Relini *et al.*, 2000; Gibbs, 2004; Einbinder *et al.*, 2006; Morrissey *et al.*, 2006).

The habitat created by the oyster farm will also be an attraction for many seabird species foraging on fish and fouling organisms (Ross *et al.*, 2001; Roycroft *et al.*, 2004; Kirk *et al.*, 2007). Furthermore, a study conducted in Ireland found that oyster farm structures did not affect the feeding behaviour of birds (Hilgerloh *et al.*, 2001).

One of the applicants, Mr Desmond Moore, has a Bachelor of Science (BSc) as well as a Masters of Science (MSc) in Environmental Science from Trinity College Dublin and therefore possesses the necessary knowledge to understand how the oyster farm could potentially harm the environment. It is in his interest, and his top priority, as a scientist to remain as environmentally-friendly as possible.

g) Adequate and appropriate public notices

The appellants refer to *"the lack of public notice and the lack of public participation in the application process..."* and that they are *"not appropriate for this community"*. Contrary to this statement, the applicants did provide adequate public notice of their intent to apply for an aquaculture licence at the site in question. They advertised it in the local newspaper, the Donegal Democrat, twice and left signs up in the Garda Stations in Milford and Bunbeg for six weeks as required by the Department of Agriculture, Food and the Marine. Evidence of the newspaper notices have been provided in Appendix III.

Conclusion:

This submission has been prepared by Mr Desmond Moore and Mr Thierry Gillardeau, in conjunction with Bantry Marine Research Station Ltd., Gearhies, Bantry, Co. Cork, in response to a third party appeal made to ALAB in relation to the Minister for Agriculture, Food and the Marine granting the approval for a 10-year Aquaculture Licence and accompanying Foreshore Licence to the applicants for the cultivation of Pacific Oysters using bags and trestles on Site T12/410 A and B in Braade Strand, Gweedore Bay.


The appeal was reviewed and we are of the opinion that no additional information has been submitted which would alter any aspects of the proposed oyster farm location, layout or design. The appellants argues against the decision not to request an Environmental Impact Assessment, despite the fact that it is only necessary in the case where advice to the Minister indicates that there will be negative environmental impacts (see <https://www.agriculture.gov.ie/seafood/aquacultureforeshoremanagement/aquaculturelicensing/>).

In the opinion of the applicant, the responses to the various items above further justify the rationale of the Minister in not requesting an EIA. All available literature and statistics indicate that the presence of the oyster farm will have a beneficial impact on the local economy as well as on the immediate environment. It will also have no impact on local tourism levels in the area. A full list of references cited in this letter are available in Appendix IV.

The applicants have worked closely with the Department of Agriculture, Food and the Marine for over 25 years and have always complied with all relevant national and European guidelines and policies in relation to all their aquaculture activities.

If ALAB require clarification in relation to any issue or require additional information, please contact the undersigned.


Mr Desmond Moore


Mr Thierry Gillardeau

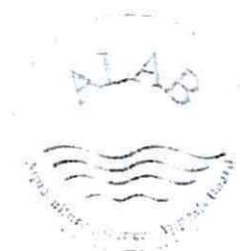
Appendix I: Appeal to ALAB from Carrickfinn Trust Company Ltd. And Coiste Timpeallachta an Ghaoith c/o Áislann Rann na Feirste

Appendix II: Photos of existing oyster farm on Braade Strand and an existing oyster farm managed by Mr Moore and Mr Gillardeau in Clew Bay

Appendix III: Evidence of public notices

Appendix IV: Complete list of references

Aquaculture Licences Appeals Board
An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Kilminchy Court
Dublin Road
Portlaoise
Co Laois



Tel: 057 8631912 Email: info@alab.ie Web: www.alab.ie

Mr Desmond Moore
Ballymagroarty
Ballintra
Co Donegal

13 February 2017

Our Ref: AP/1/1-2/2017
Site Ref: T12/410 A&B
Appellants Carrickfinn Trust Company Ltd by Guarantee & Others,
Coiste Timpeallachta an Ghaoith f/c Áislann Rann na Feirste.

Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture and Foreshore Licence to Thierry Gillardeau & Desmond Moore for the cultivation of Pacific Oysters using bags and trestles on Site T12/410 A&B in Braade Strand, Gweedore Bay

Dear Mr Moore,

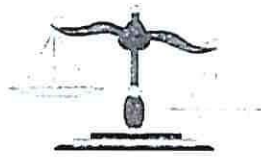
Please see attached Notice of Appeal received by the Aquaculture Licences Appeals Board (ALAB) in relation to the above. The Notice is served in accordance with the provisions of Section 44(1) of the Fisheries (Amendment) Act, 1997 (No 23).

In accordance with the provisions of Section 44(2), you may make submissions or observations in writing to the Board in relation to the appeal within a period of one month, beginning on the day on which a copy of the Notice of Appeal is sent to you. Any submissions or observations received by the Board after the expiration of that period shall not be taken into consideration.

In this instance your reply, if any, should reach the Board at the above address not later than **13 March 2017**. As part of the decision-making process, the Board may also authorise an inspection of the site(s) under appeal.

Yours sincerely,

Mary O'Hara
Secretary to the Board



**MICHAEL GILLESPIE LLB NP
SOLICITOR**



Beachside,
Braade,
Kincasslagh,
CO. DONEGAL
IRELAND F94 PD7T
Tel No 074 9548873
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Email: braade@eircom.net
12 January 2017

The Aquaculture Licences Appeals Board,
Kilminchy Court,
Dublin Road,
Port Laoise,
Co Laois. R32 DTW5

Our Ref: AQ/APP/1

**RE: APPEAL AGAINST AQUACULTURE LICENSES GRANTED TO THIERRY
GILLARDEAU AND DESMOND MOORE
SITE REFERENCE NUMBERS: T12/410A & T12/410B
MY CLIENT: THE CARRICKFIN TRUST COMPANY LIMITED BY
GUARANTEE AND OTHERS**

Dear Sirs,

I enclose herewith Notice of Appeal and a cheque for €228.55 in respect of the Appeal fee and Oral Hearing fee payable. Please acknowledge receipt and let me have confirmation of the procedure which the Board would wish to adopt in relation to this appeal, having regard to the fact that there are a number of other appeals for the same form of development, all on the Braade Strand Area of the Gweedore Bay and Island special area of conservation. It is submitted that an oral hearing would be appropriate in this case.

Yours faithfully,


MICHAEL GILLESPIE

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

Name and address of appellant: The Carrickfin Trust Limited by Guarantee, Carrickfin Road, Braade, Kincasslagh, County Donegal, Rose & Charles Boyle, Braade, Kincasslagh, County Donegal, Rose & Joanna Burke, Braade, Kincasslagh, Bernadette Boyle, Braade, Kincasslagh, Kathleen McFadden, Braade, Kincasslagh, John Gillespie, Braade, Kincasslagh, Eileen & Hugo Duffy, Braade, Kincasslagh and Geraldine Boyle, Braade, Kincasslagh, Maeve & John Joe Carson, Braade, Kincasslagh, Pat Sharkey, Braade, Kincasslagh, Anthony Sharkey, Braade, Kincasslagh, Anna Gallagher, Braade, Kincasslagh, Mary T. O'Donnell, Braade, Kincasslagh, Dom Sharkey, Calhame, Annagry and John McFadden, Calhame, Annagry, County Donegal.

Telephone: 074 95 48873 **Fax:** 074 95 48095

Mobile Tel: 086 822 6258. **E-mail address:** braade@eircom.net

Subject matter of the appeal:

Determination by the Minister for Agriculture, Food and Marine to grant Aquaculture and Foreshore Licenses for the cultivation of pacific oysters using bags and trestles on two sites at Braade Strand, Gweedore Bay, County Donegal

Site Reference Number:-

T12/410A (12.6 Hectares), T12/410B (4.8025 hectares)

Appellant's particular interest

in the outcome of the appeal:

The Carrickfin Trust Limited is a Company Limited by Guarantee which has charitable status and the Company was set up in the year 2000 by local environmentalists and property owners to protect and enhance the local environment and to seek to preserve and improve the local Gweedore Bay and Islands special area of conservation and the company owns approximately 100 acres of land along the western shoreline of the Braade/Carrickfin peninsula, which is maintained as conservation land. All of the other Appellants named above are owner occupiers of dwelling houses and land in Braade with lands immediately adjoining the foreshore at Braade Strand or in very close proximity thereto.

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):-

1. The Minister exercised his discretion to grant the said licenses in an arbitrary and autocratic manner without proper enquiry into the impacts of the proposed aquaculture in the local area, having regard to the massive scale of not only this

proposed application but also the cumulative effect of the several other licenses granted by the Minister on the same general area of foreshore in December 2016.

2. The Minister erred in making an order on 22nd August 2016, dispensing with the need for an environmental impact statement in relation to this application and 45 similar applications in County Donegal at the same time. In this regard the minister acted arbitrarily and failed to comply with the requirements of the habitats directive and the established obligations on Ireland as an EU state in relation to the conservation and improvement of European sites such as the Gweedore Bay and Islands special area of conservation, within which Braade Strand is situated. The Minister knew, or ought to have known, that this development on its own or the cumulative effect of this development, taken in conjunction with other adjoining developments for which licenses were granted, would have a serious negative impact on the conservation value of the special area of conservation. The Minister could not discharge his obligations on behalf of the Irish Government to determine that the development, either on its own or cumulatively, would not have an adverse negative effect on the SAC without a professional Environmental Impact Assessment, with the necessary input from independent ecologists, biologists and/or environmental scientists, planners and economists and/or other appropriate professional.
3. The Minister dispensed with the need for an EIS and accordingly no proper assessment was carried out with the necessary factual and scientific information in relation to the development. The reasons given by the Minister for dispensing with the need for an EIS in his Order of 22nd August 2016 were based on the following incorrect assumptions and incorrect material facts –
 - a. An understatement of the nature and scale of the proposed development of two sites covering 17.4025 hectares and the magnitude and extent of the direct impacts arising therefrom. In this regard the Minister failed to take account of the magnitude and scale of the development in conjunction with adjoining proposed additional developments.
 - b. The Minister incorrectly stated that the surrounded area was not densely populated when it is particularly densely populated for a rural Gaeltacht region.
 - c. The Minister wrongly stated that the impact on visual amenity would be acceptable. In fact the impact on visual amenity of this development in conjunction with other adjoining developments will be unacceptable in an environment which is currently in a pristine condition in close proximity to a blue flag beach of exceptionally high scenic value.
 - d. The Minister failed to take account of the consequence of the immediate devaluation of lands and houses in the neighbourhood and loss of potential tourist revenue to the local economy. The Braade strand, on which the proposed developments would be located, is highly visible from adjoining roads and also persons travelling by air into the local International Airport which adjoins Braade strand would find the view of Braade Strand adversely

affected if the proposed developments go ahead. Donegal Airport was recently categorised as one of the ten most scenic airports in the world and a development of aquaculture on the industrial scale proposed would detract from the exceptional scenic value of the area.


4. No consideration appears to have been given to the lack of proper facilities for packaging or storing shellfish prior to transportation on an industrial scale and the minister improperly neglected to impose conditions regulating the following matters as provided for in the Fisheries (Amendment) Act. 1997.
 - a. The amount of feed inputs
 - b. Annual or seasonal limits on stock inputs, outputs and standing stock on site
 - c. Operational practices, including the fallowing of sites;
 - d. The reporting of incidences of disease and the presence of parasites;
 - e. The disposal of dead fish;
 - f. Measures for preventing escapes of fish, and arrangements for the reporting of escapes;
 - g. Monitoring and inspection of the aquaculture carried on pursuant to the licence;
 - h. The keeping of records by the licensee;
 - i. The protection of the environment (including the man-made environment of heritage value) and the control of discharges;
 - j. Appropriate environmental, water quality and biological monitoring.
5. The reasons and considerations for the Minister's decision to grant the licenses in this case in December 2016 are further flawed in the following respects:-
 - The Minister wrongly assumes that public access to recreational and other activities can be accommodated by this project and use of the beach area for amenity/walking is considered low. No proper consultation with the public has taken place in relation to this development and public consultation would have disclosed that the area is used substantially by walkers and that this project in conjunction with the proposed adjoining projects would seriously inconvenience walkers. Local people in the area of Braade Strand were unaware of these license applications due to the lack of any local site notices and little and no advertising of the proposed applications.
 - There is no factual basis for the Minister's statement that the proposed aquaculture should have a positive effect on the economy of the local area. There is no evidence of any cost/benefit analysis having been carried out to weigh the perceived benefits of the aquaculture against the inevitable devaluation of adjoining properties and adverse impact on local tourism related income.
 - The Minister's reasons and considerations for granting the licenses disclosed that very general assumptions have been made by the Minister that there would be no effects or no significant effects on the local environments and these assumptions cannot be relied upon without a full site-specific environmental impact assessment.

6. In view of the lack of public notice and the lack of public participation in the application process to date and the absence of an environment impact assessment, the Appeals Board should requisition an Environmental Impact Assessment and allow an oral hearing of this Appeal in conjunction with other adjoining appeals, having regard to the cumulative effect of the proposed aquaculture in the Gweedore Bay and Islands special area of conservation and an oral hearing should be allowed, which would allow proper public participation in the decision making process.

Fee enclosed €152.37 plus oral hearing fee of €76.18 – Total sum enclosed €228.55
(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)

Date: 13 January 2017

Signed


Michael Gillespie
Solicitor for the Appellants,
Beachside, Braade, Kincasslagh, Co. Donegal

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.

AC
10 JAN 2017
RECEIVED

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

Name and address of appellant: Coiste Timpeallachta an Ghaoith, f/ch Áislann Rann na Feirste, Rann na Feirste, Leitir Ceanainn, Co. Dhún na nGall.

Telephone: 074 95 62222 Fax:

E-mail address: aislannrnaf@gmail

All correspondence to the Manager of Local Development Body:
Aodh Mac Ruairí, Bainisteoir Áislann na Feirste

Subject matter of the appeal: Fisheries (Amendment) Act, 1997. (No. 23) Foreshore Act, 1933. (No.12) Notice of decision to grant Aquaculture and Foreshore Licences to Thierry Gillardeau and Desmond Moore, Braade Strand – Gweedore Bay, as published in the Public Notices in the Donegal Democrat 15 December 2016.

Site Reference Number:-

T12/410 A & B, (as allocated by the Department of Agriculture, Food and the Marine)

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

Appellant's live in the Rann na Feirste, Rann Mónadh, Carraig Fhinn and Bráid townlands on each side of the Braade -Gweedore Bay. All appellants interested in this issue live in this area, east west and the north of the bay which is reflected in the membership of our committee. The overwhelmingly majority of us have lived here all our lives. We recognize that Foreshore is a very beautiful and important element of our everyday life. A significant recreational resource and a cultural & natural heritage repository.

At a Public Meeting held in Áislann Rann na Feirste.(Ranafast Community Centre) on the 12 December 2016, concerns were raised over the issue of further Aquaculture and Foreshore Licences for the bay, as in the site references above. Areas in the bay where there was no previous shellfish farming. Coiste Forbartha Rann na Feirste(Rann na Feirste Development) agreed that a sub-committee would be formed to appeal the Aquaculture and Foreshore Licences for four sites. T12 410A and T12/410B are among these licenses. Following the meeting, residents from Carrickfinn and Bráid joined the committee. The committee was called *Coiste Timpeallachta an Ghaoith*.

Nobody from the Rann na Feirste, Rann na Mónadh or the members of our committee from southern Carrickfinn side of the bay are involved in shellfish farming but it was quite clearly stated at the meeting that the Development Committee and the community at large supported the existing Aquaculture, overwhelmingly concentrated in the central Eastern part of the Braade –Gweedore Bay and was at a far smaller scale than the latest Licences in the bay as published in The Donegal Democrat 15 December 2016. Our concern was with the new areas being developed for shellfish, the vastly increasing scale of these operations in comparison to what existed, the lack of consultation by the shellfish farmers with the community about the scale and number of new sites. None of

these developments would be in sympathy with the natural landscape or the inherited cultural landscape of Rann na Feirste, Rann na Mónadh, Southern Carrickfinn and the neighbouring vicinity.

We know all the local people involved in shellfish farming currently, both owners and employees. They all are fine people from our community. We have no personal grievance with them or their current shellfish farming projects. Our concern is with the alarming cumulative expansion in scale of the four new licenses and nine new sites.

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):

Scale and Visual Impact:

The Rann na Feirste Development Committee organised a public meeting in Áislann Rann na Feirste on the 12th of December 2016. At that meeting, support for the existing Aquaculture was confirmed and agreed by the majority. This agreement was reached on the basis that the operation was concentrated in the central eastern part of the Braade – Gweedore Bay, an area which is much smaller in scale than the areas identified in the licences that were published in The Donegal Democrat, 15 December 2016.

According to the published information, four new licenses were granted, which include nine separate sites that cover almost 99 acres. This represents a dramatic increase in scale, both in the number of sites licensed and the area covered by those sites. Prior to the granting of these licenses, four shellfish sites operated in Braade – Gweedore Bay. The current licenses allows for a tripling of sites, from 4 to 13 and staggering increase in area, which is seven times larger previous developments.

It is a matter of concern that all the new licenses were granted without any community consultation, despite that fact that the Braade Strand Map produced by the Department Agriculture, Food and the Marine clearly indicates that the shellfish developments outlined in red/pink will become the prominent physical feature in our bay. There was disquiet with the lack of equitable consultation and sharing of information with other legitimate stakeholders in the community.

In a Special Area of Conservation this represents a significant expansion of the previous shellfish licenses awarded, a growth which is almost on an industrial scale for such a narrow channel. It will have a dramatic visual impact on the foreshore and detract from an area of outstanding natural beauty, which has been a natural resource for this community for centuries. Its importance is clearly recorded in its literature and song and in many of the customary traditions associated with this foreshore.

A review of the scale of the proposed licenses is necessary if we are to retain this important natural resource.



The increase in scale will necessitate a move from linear narrow stripes of trestles along the tidal stream between Braade/ Carrickfinn and Rann na Feirste/ Rann na Mónadh to far larger blocks of steel trestles, which will have to be situated further away from the depression and low line of the tidal stream, to higher ground which will make the trestles far more visible to the communities living on both sides.

J) No effects anticipated on the man-made environment heritage of value in the area.

In the case of license for Site T12/410A&B, we strongly disagree with the assertion that no effects are anticipated on the man-made environment heritage of value in the area and would question the criteria used to make this assessment. Proper engagement with local communities would have revealed quite a different story. The importance of the area to our own communities and the nation's cultural and maritime heritage is well attested. As noted by Ciara Breathnach in her work on the Congested Districts Board (2005) the

“... seaweed industry in the North West was much more significant than fisheries.”

From the 18th Century onwards, each family in the Rann na Feirste townland, and in neighbouring townlands, had family plots on the foreshore from which they harvested seaweed as a soil improver. The plots are either square or rectangular and contain grids of rock in a variety of patterns. Each plot is separated by a path which roughly equates with the width of a cart. These “man-made” features are known as a *Srathóg* or *Srathógáí*. The fact that no English exists for these terms is testament to their uniqueness, although references to their existence and use, are to be found in the literature and oral culture of the area (*Nuair a bhí mé Óg*, Séamus Ó Grianna, (1942:154); *Srathóg Feamnaí agus Scéalta eile*, Pádraig Ó Baoighill, (2001). They are an important aspect of our material heritage and have existed practically undisturbed for over two hundred years. They are currently being destroyed to make room for steel trestles. (Pic 1. *Srathóg*, man-made environment).

For our communities, the communal seaweed plots are defining feature of our foreshore, they speak to a history of communal activity and to the value of the natural resources that have been available from time immemorial to coastal communities. In the context of the European Union, there are very strong directives regarding heritage and “shared cultural areas” (EC2005). These features are monuments to our past and deserve to be preserved and protected for future generations. This can be investigated in the review.

Appropriateness of determinations

These determinations and assessments are not appropriate for this community, none give any credence to these Irish Speaking communities and their unique coastal culture, not even the public notice in Irish or at least bilingual. They are generic determinations and that there has been no analysis or grasp that this a unique coastal community. Not a single mention of Gaeltacht or its unique culture, anywhere.

Scale and effects on water quality



copy for community
not an historical study of
site area.

They say that the water is polluted from the oyster farming

Although the current Gaoth Dobhair Bay is "Classification B" as in the Determination of Aquaculture for these sites. There is also the very important issue of water quality in the bay. Will the present water quality be able to support the dramatically increased scale and should this effect the sanctioning of increased licenses for food producers or oyster farming. Oyster farmers have several interest groups whose demands must be satisfied and customers require high quality produce and increasingly consider environmental and ethical values when choosing a product. Environmental concern, sound environmental practices and image will reflect on the marketing of such products. The Environmental Protection Agency (EPA) in 2013, have already concluded that the Annagry Waste Water Treatment Plant was at an insufficient level of treatment, algal blooms are very evident on calm days in the tidal stream between these oyster farming sites. The EPA's report stated:

Existing Treatment Plant

The plant is located to the west of the village beside the seashore. The town treatment plant comprises a horizontal flow-settling tank.

The purpose of any settlement tanks is to reduce the velocity of the incoming wastewater stream thereby allowing the settleable solids to fall to the bottom of the tank. Typically 50-70% of suspended solids are removed in these tanks. The efficiency of the tank is dependent on a number of factors ie: Type of solids present, design criteria and sludge withdrawal from the tank.

After primary treatment in the tank the treated effluent is discharged via a long sea outfall to Gweedore Estuary.....

Proposals for future upgrade

Annagary is not listed on any development programme at present. The septic tank has a design capacity of 500 p.e. The present day PE equates to 473.

The treated effluent from the septic tank discharges to Gweedore Bay and Islands SAC and Gweedore Bay and Islands NHA. The existing septic tank serving Annagary provides an insufficient level of treatment to the waste water generated in the catchment. A new Waste Water treatment plant is required to provide, as a minimum, Secondary Treatment to the wastewater to cater for future development of the area and to comply with all European and local government directives.

Article 34 of the Common Fisheries Policy Regulation requires Member States to prepare multi-annual national strategic plans for aquaculture. *The National Strategic Plan for Sustainable Aquaculture Development (2015), states:*

The industry, supported by BIM and MI, should continue to develop environmentally sustainable fishing and aquaculture production methods to secure a sustainable resource base and to underpin the development of a smart, green and clean image which contributes to the overall strategy for the food industry.

Economic Impact:



"The proposed aquaculture should have a positive effect on the economy of the local area", according to clause C) of each Determination of Aquaculture/ Foreshore Licensing concerning the four licenses that are the subject matter of this appeal. But consideration must be given to the negative impact which such a development may have on the local economy.

Donegal is widely regarded as an area of outstanding natural beauty and is renowned for its long picturesque coastline, and unspoilt natural habitats. 'The Beautiful Scenery' was the main reason cited by tourists for choosing to holiday in the county according to tourism studies. In one such study, 80% of respondents credited the 'Beautiful Scenery' as their primary reason for recommending the area. These figures therefore serve to highlight the significance of protecting and promoting the topography of the county in order to sustain and further develop the tourism sector here (*Fáilte Ireland. (2013) Holidaymaker Study 2013 – Donegal*).

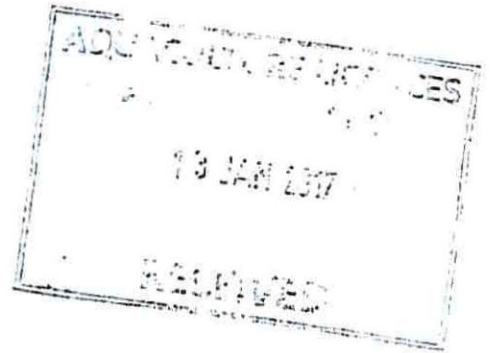
Therefore it is important to note that scale of expansion on this narrow picturesque channel(as illustrated in diagram below). arising from four new licenses and nine new sites will make the dramatic expansion of these shellfish trestles, the prominent physical feature of this bay.

We conclude that the Minister may not have been appraised of the full facts and that the outcome of his determinations in relation to EIS requirements, for the license T12/410A and T12/410B by John Boyle, Braade Strand – Gweedore Bay, Co. Donegal, are not based on a full and accurate assessments with regard to:

- a) the nature and scale of the proposed aquaculture activity, (oysters in bags and trestles on 2 sites covering 17.4ha) relative to the body of coastal water in which it is located
- b) the limited magnitude and extent of the direct impacts arising from the proposed aquaculture activity

due to the cumulative effect of approving of this license and the three other licenses on the nature, scale and expansion of proposed aquaculture activity in Braade Strand – Gweedore Bay.





(Source: An Roinn Talmhaíochta, Bia agus Mara (2016) Scale 1:24,000; new licenses in bold by Coiste Timpeallachta an Ghaoith).

Aquaculture management can impact negatively on lucrative recreational activities and amenities such as fishing, water sports and ecotourism to name a few. This favourable marine environment facilitates the use of the bay for any great number of leisure purposes, many of which have traditionally been enjoyed by locals and visitors to the area alike.

The tourism industry supports in excess of 29,000 jobs in the region and is responsible for attracting approximately 174,000 overseas visitors each year, while a further 500,000 domestic visitors come to Donegal to enjoy – amongst other things – our clean beaches and waterways (Donegal County Council. (2014). "DONEGAL'S TOURISM PRODUCT DEVELOPMENT." Accessed October 03, 2016. <http://www.donegalcoco.ie/business/developingourtourismsector/>.)

The Donegal Gaeltacht is one of the largest of the Gaeltacht's in Ireland, boasting a vibrant young population. It remains a vital repository for one of the most distinguishing features of our culture, the Irish language.

This area has played a key role in the Irish language revival for well over a century, having attracted hundreds of thousands of Irish language learners over the years. The Summer College in Rann na Feirste is one of the largest in the county attracting 750 - 850 students annually to the townland and neighboring coastline vicinity. They colleges

How to lose the tourist
impact of the area and to lose
the financial benefit of it

contribute an estimated €5million to the Donegal Gaeltacht economy, attracting students, parents and the wider family circle.

In Rann na Feirste in 2014, 719 students stayed in the townland. €103,569 was paid by Roinn na Gaeltachta and another estimated €210,000 was spent by students and parents (Source Roinn na Gaeltachta 2014). These students access the foreshore for guided walks in Irish and traditionally crossed the tidal ford at Bráid Fearsaid, at low tide, to access Carrickfinn Beach.

(Ref: Letter 3A – Letter of support from Colúiste Bhríde).

St. Mary's College, Belfast, the Irish Language Teacher training college, run three different week long courses in Rann na Feirste each year and guided walks to the foreshore are regular features of these courses. Queen's University and the University of Ulster, Jordanstown, also send Irish language students to Rann na Feirste.

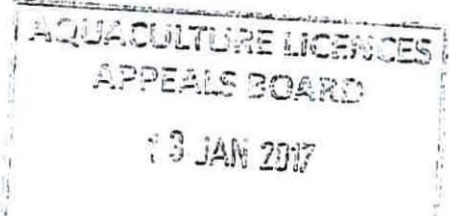
The story of the foreshore has always played a significant part in delivery of these courses due to its centrality to local communities as evidenced in the numerous references to the area in literature, song and oral tradition. Much has been written about this local in the Irish language, it is estimated that just under a hundred books has been published since the 1940's about this local vicinity (Source: *Oidhreacht Rann na Feirste 1, Scéalaíocht, Filíocht agus Amhránaíocht: 1-2. le Pádraig Ó Baoighill (2011)*).

Indeed, students from the University of New Mexico, Las Cruces, are to visit this coastal community in August 2017, to study this unique culture and landscape and a number other universities have made enquiries. We realise we have something special and Áislann Rann na Feirste and the local community know that their niche market is the language. We are passionate about the language and we will make these ventures thrive.

In the presentation we give our American guests we often quote, the great American Novel, *Moby Dick* by Hermann Melville (1851):

It's not down on map; true places never are.

The knowledge we have as a community, highly contrasts the knowledge that has been put together to make determinations about these licenses. Our knowledge of our coastline has been passed on orally and by tradition from generation to generation. There is often little documentary evidence of this process, it is embodied in our culture. The Irish language describes depth and shallowness of water different to English (more like Russian); it tells us about the weather from the colour of the seaweed; it describes the track the dorsal fin of the salmon makes when travelling up our channel; it describes how the seatrout waits for the incoming tide and what we call that first movement they make; there is a name for the imprint the flatfish make in the sand; it tells us about the weaverfish and its deadly poison from its Irish name; it tells the mythology about the Great Northern Diver and the prophetic lonely cry of the curlew. There is a story about



every headland, every lagoon and current in the channel. Every stone that is a marker for depth or that summons danger in their name and navigates people around the coast.

The foreshore is central to our historical cultural narrative. This is why university students visit our area. This is why the University of New Mexico's Geography and Linguistics Departments are interested in coming to visit us. They realise that much like the native peoples of New Mexico, that can read the desert, we can read the foreshore and tell its tales. We have something here that is not found anywhere else in the world. Cultural tourism will develop further with the hugely successful *Wild Atlantic Way*. This program has attracted large numbers of tourists to the natural scenery in areas such as County Donegal. Aquaculture is a comparatively small contributor to Ireland's economy, in comparison to the more than EUR6.5 billion generated by tourism in 2014.

All our tours and guided walks have to be given at low tide so we can access the foreshore with students and adults alike. This is when the steel trestles of the oyster farms are most visible. We already encounter poor trestle husbandry, debris from ropes and fixtures, as shown in the pictures enclosed and items forwarded. Especially since we are east and north of these developments, due the prevailing winds from the west and southwest.

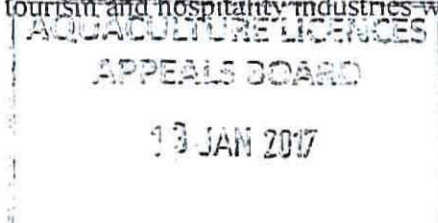
If these four new licenses and 9 new sites proceed this will be totally out of harmony with our cultural tourism projects.

Feda O'Donnell Coaches, a travel company from Rann na Feirste, is the town's largest employer. They are contracted to bring 8,000 tourists from cruisers from Killybegs to various cultural locations in the county. Áislann Rann na Feirste are in advanced discussions with the operators to offer cultural tours and shows because they believe that we have a unique product and fantastic story to tell. Walking tours along the coast are a part of the itinerary planned for these tourists.

As a small village of 325 people, struggling with emigration and employment, we are on the cusp of change. We are benefitting from cultural tourism. We realise our people and our unique story and our landscape and especially our unspoilt foreshore are our greatest assets.

It may reasonably be argued, that the scale of expansion and the migration of some these new licenses to previously unspoilt foreshore will undoubtedly have a detrimental effect on our cultural tourism. If the licenses in question be allowed to go ahead, then such a situation would have profound implications on the locality's ability to sustain and to develop its existing Summer College/Third Level Education trade on which much employment and local businesses depend and that ultimately, this would irrevocably damage the area's wider tourism brand.

Accordingly, and notwithstanding the very small number of full and part-time jobs which the applicant intends to create as a direct result of their application, the resulting job losses which would arise in both the tourism and hospitality industries would



subsequently negate any potential job creation which the project may yield, and would ultimately result in significant employment loss to the area.

Environmental Impact:

Considering that the nature of the activities pertaining to the application are primarily marine based, the negative influences often associated with aqua-farming on the marine environment must not be overlooked in this instance.

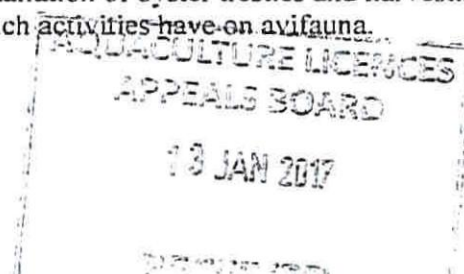
The area in which this proposal is planned is a Special Area of Conservation (SAC), and any potential aquaculture or mari-culture activity must incorporate specific conditions as to accommodate Natura 2000 requirements.

It is widely documented that oyster farming can have a detrimental effect on the marine environment including through the accumulation of waste from feed and faecal pellets, while aquaculture in general may result in changes to the benthic macro-fauna. Aquaculture stock may pose a threat to wild populations through a reduction in gene pool strength caused when escaping farm stock mate with wild species, something which can result in the transmission of diseases to wild stocks. Furthermore, in areas where aquaculture activity is prolific, this is likely to result in environmental degradation and may lead to poor aquaculture growth rates. Therefore, in bays where aquaculture is abundant, the marine environment is likely to suffer from 'over stocking'.

Furthermore, the potential impact of intertidal oyster culture on water birds and the distribution of any birds which inhabit or depend on water bodies has become the subject of much study in recent years. Research carried out by the Marine Institute into the effects of oyster farming on marine and aquatic birds, has found that the assemblage variation and flocking behaviour of certain bird species is heavily affected by the presence of oyster trestles.

The study found that the species which tend to feed in large highly concentrated flocks, such as the Knot (*Calidris canutus*); Sanderling (*Calidris alba*); Dunlin (*Calidris alpina*); Blacktailed Godwit (*Limosa limosa*); and the Ringed Plover (*Charadrius hiaticula*), all demonstrated a negative response to the structures. The presence of trestles in the samples taken from the studied ordination space, directly interfered with the flocking and territorial behaviour of the species, forcing individual birds to become dispersed across several lines of trestles.

It's notable that the species which displayed the strongest negative response to oyster trestles generally favour open mudflats/sandflats, such as those present at the proposed development site. Consequently, mixed sediment and rocky shore sites are often cited as the preferred locations for littoral zone oyster culture as such sites can minimise the potential harmful impact of oyster culture on birds inhabiting the marine environment. In this context, it can reasonably be argued that the area for which this licence is being sought would be most unsuitable for the installation of oyster trestles and harvesting equipment given the repercussions which such activities have on avifauna.



In 2014, BirdWatch Ireland and the Royal Society for the Protection of Birds (RSPB) worked to compile a updated list of bird species on the island of Ireland with each species classified into three separate headings (i.e., Red, Amber and Green), based on the conservation status of the bird and hence where conservation priority lies with respect to each.

This publication, entitled 'Birds of Conservation Concern in Ireland' (BoCCI) found that, of the above named species, the Dunlin (*Calidris alpina*) qualified for Red listing due to its extreme declining breeding and wintering populations, while both the Knot (*Calidris canutus*) and the Bar-tailed Godwit (*Limosa lapponica*) were given Amber status, owing to the birds' moderate declines in range and or abundance.² In the case of the Dunlin and Knot, coastal estuarine sites of muddy sands, such as those found at the proposed development, are recognised as important wintering sites for both species.

¹ Gittings, T. & O'Donoghue, P.D. (2012). *The effects of intertidal oyster culture on the spatial distribution of waterbirds. Report prepared for the Marine Institute, Atkins, Cork.*

² Colhoun, K. and Cummins, S. (2014) *Birds of Conservation Concern in Ireland 2014–2019.*

We wish to apply for an oral hearing.

Fee enclosed:..... € 225 55
(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:..... *Coastal Impacts Ltd* Date: 12/1/17

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.

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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. Environmental Issues





Coiste an Ghaoith

Achainí in éadan feirmeoireacht oisrí ar 100 acra den Tráigh Bhán

<u>1</u> Maria Mí Ghonáil	<u>17</u> Maighread Uí h Annluain
<u>2</u> Mairéad Ó	<u>18</u> Dolores Ó Donnell
<u>3</u> Neil Walsh	<u>19</u> Brian Ó Donnell
<u>4</u> Eibhlín ní Ghairbhé	<u>20</u> Pádraig Ó Donnell
<u>5</u> Marie Mí Ghonáil	<u>21</u> Aislinn Uí Shachtargh
<u>6</u> Catherine Greene	<u>22</u> J. B. Ó Shachtargh
<u>7</u> Eileen Míre Keane	<u>23</u> Paddy Mac Gaibhleagh
<u>8</u> Kelly Gallagher	<u>24</u> Nora Uí Ghairbhé
<u>9</u> Jim Norton	<u>25</u> Aislinn Mac Gaibhleagh
<u>10</u> Mary Keane	<u>26</u> Owenie Mac Gaibhleagh
<u>11</u> Míre Keane	<u>27</u> Suzanne Uí Gallachair
<u>12</u> Donald Ó Shachtargh	<u>28</u> Maria brú Chachtargh
<u>13</u> Paul Mac Keane	<u>29</u> Míre Ó Gaibhle
<u>14</u> Seán Mac Keane	<u>30</u> Pádraig Ó Donnell
<u>15</u> Caroline Keane	<u>31</u> Mary ní Ghonáil
<u>16</u> Mairéad Míre Keane	<u>32</u> Eileen Ó Donnell

Achainí in éadan feirmeoireacht oisrí ar 100 acra den Tráigh Bhán

<u>1</u>	<u>17</u>
Padraig O'Connell	
<u>2</u>	<u>18</u>
Conall O'Garra	
<u>3</u>	<u>19</u>
Síle O'Mallagh	
<u>4</u>	<u>20</u>
Kitty Bonin	
<u>5</u>	<u>21</u>
Mia Smith	
<u>6</u>	<u>22</u>
Príd Ní Dhomhnaill	
<u>7</u>	<u>23</u>
Tram O'Donnell	
<u>8</u>	<u>24</u>
Feda O'Donnell	
<u>9</u>	<u>25</u>
Kevin M'Donnell	
<u>10</u>	<u>26</u>
Franchó Connell	
<u>11</u>	<u>27</u>
Cathal Mac Searna	
<u>12</u>	<u>28</u>
Michael O'Donnell	
<u>13</u>	<u>29</u>
Ma Hie O'Donnell	
<u>14</u>	<u>30</u>
Man Greene	
<u>15</u>	<u>31</u>
Llarc O'Searna	
<u>16</u>	<u>32</u>
Seána O'Searna	

Achainí in éadan feirmeoireacht oisrí ar 100 acra den Tráigh Bhán

<u>1</u>	<u>17</u>
<u>2</u>	<u>18</u>
<u>3</u>	<u>19</u>
<u>4</u>	<u>20</u>
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<u>14</u>	<u>30</u>
<u>15</u>	<u>31</u>
<u>16</u>	<u>32</u>

Coláiste Bhríde Rann na Feirste

Rannafast,
Annagry,
Co. Donegal.

10th. Jan. 2017

To whom it may concern.

I write to you on behalf of the committee of Coláiste Bhríde . Rann na Feirste the Irish language summer college based in Rannafast. I wish to express our deepest reservations to the proposed large oyster farming development in the areas around Rannafast namely Rannnamona, Braad Strand and Rannafast. In spite of the fact that Coláiste Bhríde has been promoting badly needed cultural tourism to North West Donegal since 1926 no one saw fit to contact the college to ascertain our views on the proposed development .

Parents and relatives of our students visit this areas every summer to visit the students and to holiday in this area of outstanding natural beauty. It is the view of our college that the proposed large development will have a highly detrimental effect on our local shores.

The development of the Wild Atlantic Way has seen a welcome rise in the profile of the North West and it would be a shame if this progress were to be reversed by such a visually obtrusive development.

Yours Sincerely,

Niall Ó Sluáin

Niall Ó Sluáin
College Secretary

- ⊖ Impact on Tourism Industry
- ⊖ Will Impact the attractiveness of the school
- ⊖ Impact on the landscape

**APPENDIX II: Photos of existing oyster farm
on Braade Strand and an existing oyster farm
managed by Mr Moore and Mr Gillardeau in
Clew Bay**



Figure 1. Braade Strand looking south



Figure 2. Braade Strand looking east



Figure 3. Braade Strand looking north; mostly holiday homes on the hill



Figure 4. Braade Strand looking south

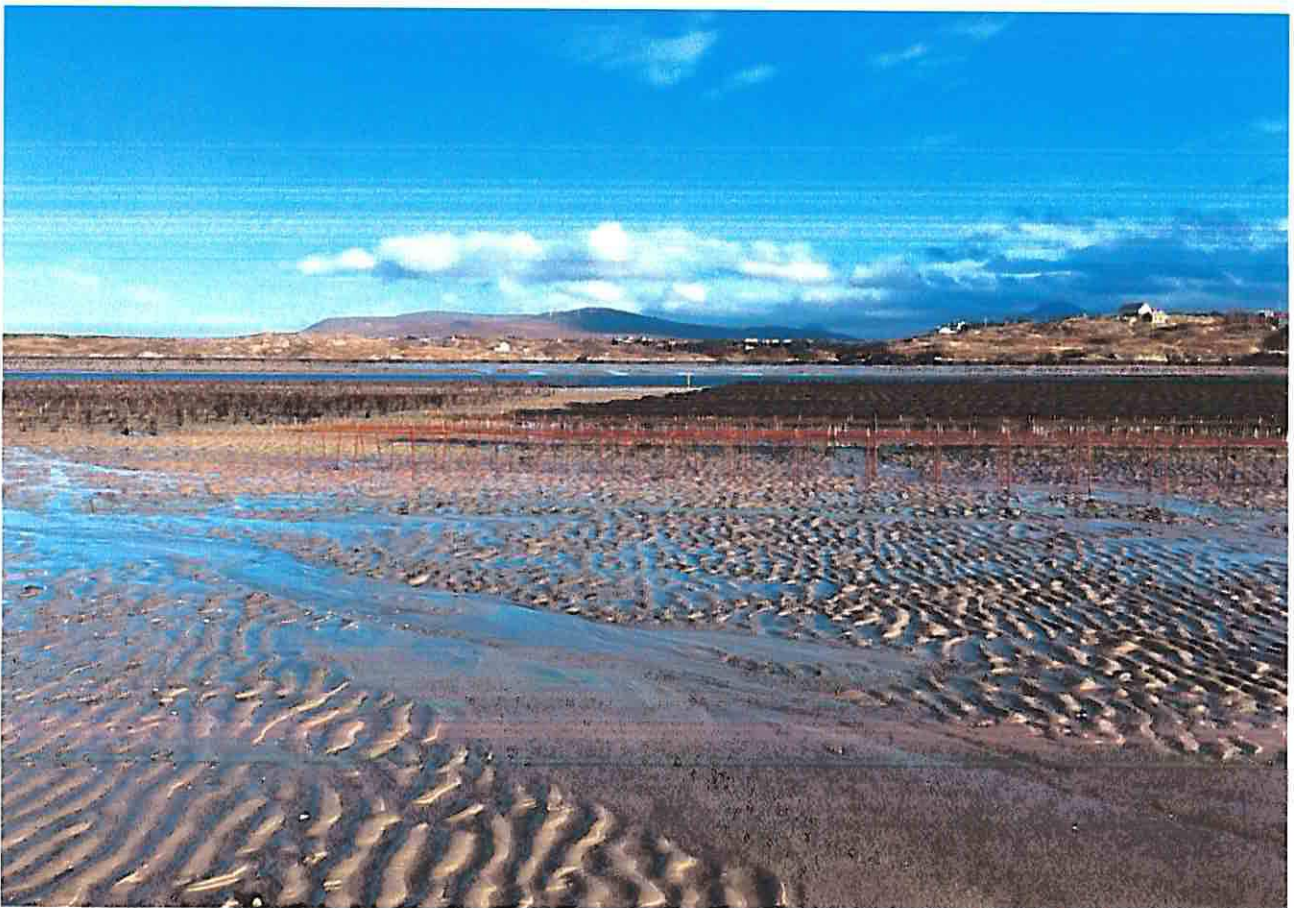


Figure 5. Existing oyster farm; trestles arranged in neat rows and site is clean and tidy



Figure 6. Braade Strand looking south; proposed Moore and Gillardeau sites



Figure 7. Looking south; proposed site is beyond the trestles which is the most suitable and utilisable site in the area



Figure 8. Clew Bay oyster farm managed by Mr Moore and Mr Gillardeau; trestles are in neat rows and site is kept clean and tidy

APPENDIX III: Evidence of public notices

18 - Monday, 12th September, 2016

advertising@donegaldemocrat.ie

www.donegaldemocrat.ie/findit

PUBLIC NOTICE

APPLICATION FOR AQUACULTURE LICENCE UNDER THE FISHERIES (AMENDMENT) ACT, 1977 (NO.23)

APPLICATION FOR FORESHORE LICENCE UNDER THE FORESHORE ACT, 1933 (NO.12)

NOTICE IS HERBY GIVEN that the Thierry Gillardeau & Desmons Moore have applied to the Minister for Agriculture Food and the Marine for an Aquaculture Licence to cultivate pacific oysters using bags and trestles on an area of foreshore in Gweedore Bay, Co. Donegal.

NOTICE IS ALSO GIVEN that the same applicants have applied to the Minister for Agriculture, Food and the Marine for Foreshore licence for the area of foreshore to be used for these aquaculture activities.

Any person may, during the period of 4 weeks from the date of publication of this notice, make written submissions or observations to the Minister for Agriculture, Food and the Marine, (quoting the Ref. T12/410A & B to a) the Aquaculture Licence application and b) the Foreshore Licence application. Any such submissions or observations should be furnished to the Department of Agriculture, Food and the Marine (Aquaculture and Foreshore Management Division), National Seafood Centre, Clonakilty, Co.Cork, within that period.

All submissions or observations received on foot of public notice procedures may be made available to the applicants for comment.

The following documentation may be inspected at Bunbeg and Milford (open 24 hours) Garda Station. These documents may also be viewed on the Aquaculture/Foreshore Licence Applications Section of the Departments Website. These documents may also be viewed on the Aquaculture/Foreshore Licence Applications section of the Department Website.

- Applications details
- Individual site maps
- Overall site plan for Gweedore Bay
- Drawings of the proposed structures
- Ministerial decision on EIS requirements
- Appropriate Assessment of aquaculture in Gweedore Bay and Islands SAC

Date of Publication - 12/09/2016

Make your advert work!

When placing any advert, try to include as much information as possible, there are a few helpful hints -

Style, colour, make or model, the condition, the price when new, the reason for sale, the size, fabric or material, any extras and accessories, delivery or collection. Don't forget the price and telephone number(s) you could even add on email address.

The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours. A submission or observation in relation to the application may be made in writing to the planning authority on payment of the prescribed fee, 20.00, within the period of 5 weeks beginning on the date of receipt by the authority of the application, and such submissions or observations will be considered by the planning authority in making a decision on the application. The planning Authority may grant permission subject to or without conditions, or may refuse to grant permission

What happens if you don't advertise...

...nothing

Figure 1: Public notice in the Donegal Democrat, Monday 12th September 2016


by the Planning Authority	by the Planning Authority	by the Planning Authority	by the Planning Authority																								
Planning Notices																											
DONEGAL COUNTY COUNCIL																											
Roughpark, Letterkenny																											
<p>PJ McDermott am applying to Donegal County Council for planning permission for change of house type to that previously granted under planning ref 08/40289 and subsequently extended under 14/50614 with all associated site development works at Roughpark, Letterkenny, Co. Donegal in the townland of Roughpark. The planning application may be inspected or purchased, at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority, County House, The Diamond, Lifford, County Donegal during the public opening hours of the Planning Authority and that a submission or observation in relation to the application may be made to the Planning Authority, in writing, on payment of the prescribed fee of 20 euros within the period of 5 weeks beginning on the date of receipt of the application by the Planning Authority.</p>	<p>PUBLIC NOTICE</p> <p>APPLICATION FOR AQUACULTURE LICENCE UNDER THE FISHERIES (AMENDMENT) ACT, 1977 (NO.23)</p> <p>APPLICATION FOR FORESHORE LICENCE UNDER THE FORESHORE ACT, 1933 (NO.12)</p> <p>NOTICE IS HERBY GIVEN that the Thierry Gillaudeau & Desmond Moore have applied to the Minister for Agriculture Food and the Marine for an Aquaculture Licence to cultivate pacific oysters using bags and trestles on an area of foreshore in Gweedore Bay, Co. Donegal;</p> <p>NOTICE IS ALSO GIVEN that the same applicants have applied to the Minister for Agriculture, Food and the Marine for Foreshore licence for the area of foreshore to be used for these aquaculture activities.</p> <p>Any person may, during the period of 4 weeks from the date of publication of this notice, make written submissions or observations to the Minister for Agriculture, Food and the Marine, (quoting the Ref. T12/410A & B to a) the Aquaculture Licence application and b) the Foreshore Licence application. Any such submissions or observations should be furnished to the Department of Agriculture, Food and the Marine (Aquaculture and Foreshore Management Division), National Seafood Centre, Clonakilly, Co.Cork, within that period.</p> <p>All submissions or observations received on foot of public notice procedures may be made available to the applicants for comment.</p> <p>The following documentation may be inspected at Bunbeg and Milford (open 24 hours) Garda Station. These documents may also be viewed on the Aquaculture/Foreshore Licence Applications Section of the Departments Website. These documents may also be viewed on the Aquaculture/Foreshore Licence Applications section of the Department Website.</p> <ul style="list-style-type: none"> • Applications details • Individual site maps • Overall site plan for Gweedore Bay • Drawings of the proposed structures • Ministerial decision on EIS requirements • Appropriate Assessment of aquaculture in Gweedore Bay and Islands SAC <p>Date of Publication - 12/09/2016</p>	<p>Public Notices</p> <p></p> <p>COMHAIRLE CHONTAE DHUN NA nGALL (DONEGAL COUNTY COUNCIL) ROADS ACT 1993, SECTION 75 ROADS REGULATIONS 1994, ARTICLE 12 TEMPORARY CLOSING OF ROADS Saturday, 8th October 2016 Kilcar / Glencolmcille / Croagh / Lough Aderry</p> <p>Notice is hereby given that Donegal County Council intends to make an Order to have the following roads closed to traffic on the dates and times indicated to facilitate the Donegal Motor Club Harvest Stages Rally 2016:</p> <table border="1"> <thead> <tr> <th></th> <th>Stage</th> <th>Times</th> <th>Roads to be Closed</th> <th>Alternative Route</th> </tr> </thead> <tbody> <tr> <td>Kilcar</td> <td>SS 1 & 3</td> <td>Road closed from 09.20 to 14.40</td> <td>L-1215-1 to 4 L-1175-1 L-1115-1 L-5105-1 L-1105-1 L-1115-1</td> <td>For Kille to Cuskery via Bavin, Letter, Drumnafinagle, Kilcar, Cashelcarn and Cashings take R263.</td> </tr> <tr> <td>Glencolmcille</td> <td>SS 2 & 4</td> <td>Road closed from 09.50 to 15.40</td> <td>L-1025-1 to 3 R-263-14 & 15 L-5055-1 L-5065-1 & 2 L-5075-1 R-230-2 to 5</td> <td>For Carrick to Glencolmcille via main road take R263. For Slieve, Meenaduff to Carrick via Meenacross take L1125 via Meenaneary.</td> </tr> <tr> <td>Croagh</td> <td>SS 5 & 7</td> <td>Road closed from 12.50 to 19.20</td> <td>L-1385-1 L-5815-1 L-1415-2 L-1395-2 L-1375-2 L-1385-3 & 4 L-2983-1 L-2983-1 & 2 L-2973-1</td> <td>For Bruckless, Dunkineely to Ardara take N56 or over Castleogary via Ardaghey. The N56 to Ardara, the L2863-1 to Monaghan and taking the L2913-1 to Meentanadea School.</td> </tr> <tr> <td>Lough Aderry</td> <td>SS 6 & 8</td> <td>Road closed from 13.25 to 19.40</td> <td>L-1265-1 L-1275-2 & 3 L-1315-1 & 2 L-1295-1 to 3 L-2953-1</td> <td>For Ardara, Dump road, Stragar to Killybegs take N56.</td> </tr> </tbody> </table> <p>The above is a list of the Roads that will be closed on the times and dates specified. All public roads connecting to the Roads listed above shall be closed for a distance of 300m from their junction.</p> <p>Persons wishing to object to the closure should submit objections in writing to the Roads & Housing Capital Section, Donegal County Council, County House, Lifford before 4.00pm on 20th September 2016.</p> <p>In the event of objections being made to the granting of proposed road closures, the Council reserves the right to make the details of the objections available to the licence applicant where it considers it necessary in order to fully consider the validity of any of the objections received.</p> <p>John G. McLaughlin Director of Service Roads and Housing Capital Service</p>		Stage	Times	Roads to be Closed	Alternative Route	Kilcar	SS 1 & 3	Road closed from 09.20 to 14.40	L-1215-1 to 4 L-1175-1 L-1115-1 L-5105-1 L-1105-1 L-1115-1	For Kille to Cuskery via Bavin, Letter, Drumnafinagle, Kilcar, Cashelcarn and Cashings take R263.	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Figure 2: Public notice in the Donegal Democrat, Thursday 15th September 2016

APPENDIX IV: Complete list of references

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