

Recommendation to grant Foreshore Licences (Ref:T12/410)

G. O'Donovan, Administrative Officer ✓ Recommend granting of Licences as outlined in the Submission. A.O.D. 30/11/16

B. Whelton, Asst. Principal / I agree with the recommendation that foreshore licences be granted for these two sites BW 30/11/16

J. Quinlan, Principal Officer

[Signature]
1/12
16

Dr. Beamish
Recommended
for approval
please

Dr. Beamish, Asst. Secretary

*Recommended for approval
to permit
1/12*

[Signature]
1/12
16

Rúnaí Aire

Michael [Signature]



1.0 DECISION SOUGHT

The Minister's determination is requested please in relation to the application for Foreshore Licences from Mr. Thierry Gillardeau, 1A Bourcefranc Le Champus, France and Mr. Desmond Moore, Ballymagroarty, Ballintra, Co. Donegal, for 2 sites at Braade Strand, Gweedore Bay, Co. Donegal, in which they propose to conduct aquaculture.

2.0 BACKGROUND

Marine aquaculture operations require separate Aquaculture and Foreshore Licences and Ministerial approval is required in respect of this submission (Foreshore Submission) and submission above (Aquaculture Submission), which refer to the same sites.

The Foreshore Licence allows for the occupation of the particular area of foreshore while the Aquaculture Licence defines the activity that is permitted in this area. The continuing validity of each licence is contingent on the other licence remaining in force.

3.0 APPLICATION FOR FORESHORE LICENCES

An application for Foreshore Licences has been received from the applicant referred to at 1.0 above (in conjunction with an Aquaculture Licence application), relating to the occupation of the foreshore associated with the Aquaculture Licence application which covers two sites:

- Site T12/410A - 12.6ha
- Site T12/410B- 4.8025ha

at Braade Strand, Gweedore Bay, Co. Donegal, (see **Schedule 1**).

LEGISLATION

Section 3 of the Foreshore Act, 1933 gives power to the Minister to license the use of foreshore, if he is of the opinion that it is in the public interest to do so.

5.0 CONSULTATION AND PUBLIC COMMENT

The application was sent to the Department's technical experts, and was also publicly advertised in a composite public notice covering both aquaculture and foreshore elements.

This application was also sent to the Department of Housing, Planning, Community and Local Government (DHPCLG) in accordance with subsection (1B) of Section 3 of the Foreshore Act, 1933, which requires consultation between the Minister for Agriculture, Food and the Marine and the Minister for Housing, Planning, Community and Local Government. Whilst aquaculture legislation requires certain statutory bodies to be notified of an aquaculture application, no other statutory bodies are prescribed consultees under Fisheries related foreshore legislation.

Comments from DHPCLG

DHPCLG: The Department of Housing, Planning, Community and Local Government has no objection. They noted site T12/410A and part of site T12/410B are within the Gweedore Bay designated Shellfish Water area. They advised that DAFM would need to be satisfied that the remainder of site 410B is in an area which is suitable from a water quality and shellfish health perspective.

DAFM notes the comments and point out that the SFPA, the body responsible for the food safety aspect of seafood production has no objection to this application. The current classification for Gweedore – Carrickfin is "B" which means that the oysters may only be placed onto the market for human consumption after treatment in a purification centre or relaying. The applications are approximately 2km from the official sampling point. Results of monitoring under the Shellfish Waters Directive do not indicate water quality issues in the vicinity of the proposed shellfish production area.

Technical Consultation

Marine Engineering Division (MED): A reduction of both original sites T12/410A and T12/410B area was recommended as a result of concerns raised by MED on examination of the sites. The applicant agreed to progress with the revised site areas suggested by MED and the revised site co-ordinates, maps and charts went to public notice. MED have no objection to the revised areas being licensed. MED noted that the beach area is used for amenity/walking, but with low usage numbers. They also stated that trestles on sites 410A and 410B should not significantly impede continued usage of the upper beach area for amenity walking. There is a tradition of seaweed collection near the high water mark on eastern shores. However, MED do not expect the suspended oyster culture proposed at these sites to impact negatively on seaweed harvesting which takes place at higher elevations on the shore.

Marine Survey Office: The Marine Survey Office has no objection to this application provided licensing conditions set out in **Schedule 3** of the Aquaculture Licences are adhered to.

Sea Fisheries Protection Authority: The SFPA noted that the current classification for Gweedore – Carrickfin is “B” which means that the oysters may only be placed onto the market for human consumption after treatment in a purification centre or relaying. The applications are approximately 2km from the official sampling point. They also noted that Carrickfin Beach is used by the local population all year round and by holidaymakers in summertime.

Public Consultation

The application was publicly advertised using a composite public notice covering both aquaculture and foreshore elements, in the Donegal Democrat on 12th September, 2016. The application and supporting documentation were available for inspection at Milford and Bunbeg Garda Stations for a period of 4 weeks from the date of publication of the notice in the newspaper.

There were no objections received from the public consultation process.

6.0 CRITERIA IN MAKING LICENSING DECISIONS

The Minister, in considering an application for Foreshore Licences, may, if satisfied that it is in the public interest to do so, grant such licences.

Section 82 of the Fisheries (Amendment) Act, 1997 stipulates that the Minister, in considering an application for a licence under the Foreshore Acts, which is sought in connection with the carrying on of aquaculture pursuant to an Aquaculture Licence, shall have regard to any decision of the Licensing Authority in relation to the Aquaculture Licence.

The Minister is also obliged pursuant to Regulation 5 (2) of the Aquaculture (Licence application) Regulations, 1998 to consider on a case by case basis whether the proposed aquaculture is likely to have a significant effect on the environment. An EIA Screening Assessment was carried out by the EIA Screening Group (comprising of technical experts and Department officials). The Minister has already determined that an Environmental Impact Statement is not required for this project (See Declaration in **Annex 3**).

7.0 RECOMMENDATION

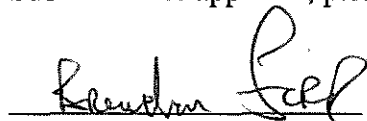
It is recommended that the Minister:

approves the granting of Foreshore Licences (**Annex 2**) to Mr. Thierry Gillardeau, 1A Bourcefranc Le Champus, France and Mr. Desmond Moore, Ballymagroarty, Ballintra, Co. Donegal for the occupation of 2 sites:

- *Site T12/410A – 12.6ha*
- *Site T12/410B - 4.8025ha*

at Braade Strand, Gweedore Bay, Co. Donegal, for a period of ten (10) years for the carrying out of aquaculture activities as defined in the Aquaculture Licences, and in accordance with the terms and conditions of the attached draft Foreshore Licences. A separate Foreshore Licence will issue for each site in accordance with standard practice.

Submitted for approval, please.



Brendan Farr
Aquaculture and Foreshore Management Division
30th November, 2016