

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board



AP11/2018

Ms Sheila McFerran & Ors

Appeal



The Aquaculture Licences Appeals Board,
Kilminchy Court,
Dublin Road,
Portlaoise,
Co Laois.

AQUACULTURE LICENCES
APPEALS BOARD

7 SEP 2018

RECEIVED

Tues., 4 September 2018

Dear Sirs

Re: T12/498 - Application for new Oyster Farm at Newtownburke, Loughros Point,
Ardara, Co Donegal

We attach the grounds of our Appeal against the granting of a Licence for a new
Oyster Farm in Loughros Beg, Co Donegal - T12/498.

Our comments on the Application are set out in the accompanying document.
The comments represent the views of the majority, small, rural community on
Loughros Point, which overlooks Loughros Beg.

We have had very little time to respond and we hope you will bear that in mind
when reviewing the Determination and information we have sent you.

Yours faithfully

Sheila Mc Ferran

Ms Sheila Mc Ferran, B Arch Hons., MA (Urban Design), RIBA, RIAI.

AJ Mc Ferran

Dr A J Mc Ferran, D Sc



SLIEVETOOLEY BEFORE T12/498

SLIEVETOOLEY AFTER T12/498



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

Name and address of appellant:

Telephone: ..

.. Fax:

Mobile Tel: E-mail address: shela.mcferrum@gmail.com

Subject matter of the appeal:

WE OBJECT TO THE EXTENSION OF OYSTER FARMING
ACROSS THE FAY PARTICULARLY AS IT IS AN
AREA OF OUTSTANDING SCENERY & SAC

Site Reference Number: T12/498

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

Appellant's particular interest

in the outcome of the appeal:

THE APPELLANT + THREE MORE NAMES ARE
ATTACHED LIVES & WORK IN THE AREA - 109 PEOPLE

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):

SEE ATTACHED DOCUMENT

Fee enclosed: 152.37 + 76.18 € 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)

Signed by appellant: Shela McFerrum

Date: _____

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.



T12 / 498

NEWTOWNBURKE

Niall Heine Cumlin Ardara

Lx M¹ Cloughboy, Loughros Point, Ardara

Selina Rose Shanganagh Loughros Pt Ardara

Dave Trelease Shanganagh Loughros Pt Ardara

Teresa Gallagher Ballyganny Loughros Pt Ardara.

Pat McFarren Ballyganny Loughros Pt Ardara.

Bobby Gwin Cunnogbut Loughros Pt Ardara.

Phil Glyn Ballyganny Loughros Pt Ardara.

John McNelis Newtownburke Loughros Point Ardara.

Shaun O'Hart Cloughboy Loughros Point Ardara.

John S McNelis Burrestown Ardara

Peter Mc Gill Cloughboy Ardara

Jonathan Craig Cumlin Ardara

Declan Gallagher Cumlin Ardara

Paul Gallagher Ballyganny Ardara

Moira Gallagher Ballyganny Ardara

Christopher Carr Cumlin Ardara

Alan Watts Cunnogbut Ardara.

Paul O'Shea Ballyganny Ardara

Lorraine Maguire Cunnogbut Ardara

Pamela Brennan Cunnogbut Ardara

Bro McFarren

Peter Gerard McGill Cloughboy Ardara

John McNeill's Burrestown ARDARA.
 Mary Mc Cafferty, Burrestown ARDARA.
 Sh. Melling Kilnas Glenties
 Ann Maguire GLEN VIEW ARDARA
 John & M-Miss Burrestown Ardara
 Jeannie Mc Gowan Ardara.
 Lee Mc Gowan Ardara
 Steven Mc Gowan Ardara
 Aofe Finny Roscommon.
 Eileen Mc Gowan Ardara
 Eileen Begg Ardara.
 Ann Marie Mulhern L. Point Ardara.
 Amy Shoolin Ardara
 Louise wife Hugh Summy
 Kieran Shoolin - Sandfield.
 Peter Mc Hugh - Summy.
 Lional Gallagher - Loughros Point
 Conor Maquet - Loughros Point
 Ciaran Gallagher - Loughros Point
 Diane Gallagher - Loughros Point
 Karen Heena Crumlin
 Kevin Kenny Castlelyons Co. Cork
 Aofe Mc Bride Ardara,

We agree to the appeal against the granting of the new oyster farm in
Newtownburke (T12/498)

Ronan Magel	Loughros Point	Ardana
Liam Maguet	Loughros Point	Ardana
Noel All Cole		Ardana
Niamh Maguet	Loughros Point	Ardana
Pam Brennan	Loughros Point	2-9-18.
Suzanne Mc Clafferty	Loughros Point	
Donal Mc Farlane	CAROLAN CO DONEY	
Billy Dwyer	Milam	G. Dwyer
Shawn O'Hara	Loughros Point	
Stewart R Morris	Loughros Pt.	Ardana
Shirley B. B. B.	Loughros Point	ARDARA
Stephen B. B.	Loughros Pt.	Ardana
VICTOR WHITTINGTON	Garrybeg - Loughros Point	
Andrew WHITTINGTON	" - " - "	
Laura WHITTINGTON	" - " - "	
Kevin Shook	Sandfield	
Gerardo Shook	Sandfield	
Eva Shook	Sandfield	
Mayla Mc Hugh	Gummy	
Ryan M. M. M.	Loughros	

T12/478

Brian Galloylen Ardara
Bridget Gallagher Ardara
David Galloylen Ardara
Eileen Galloylen Ardara

Dean Gallagher Ardara

Carmel Gallagher
James Galloylen Ardara

Siobhán McFerran

Noreen Galbigher

Marie Fallon

Michelle Hughes

Teresa Webster

Jonathan Boyle

Paul McFerran

Colleen Kenny

Charlie Gallagher

Affie Curran

P. Kenny

NEWTONBURKE

Margaret Boyle
John Boyle

Maureen McFerran

Roslin McFerran

T12 / 458

CHICKS

NEWTON'S CRACK

Close Murphy Cranage bin

Norman Wright

Susan Korr

C. Parker

Loughras (cont)

Caroline Given
Barry Gallagher
Sandi Given
~~Wally~~ Boyd
Wally Boyd.

Loughs Point, Ardara

hillybegs

Longwood Point Arden.
Leaves Point AQUA
Longwood Point Arden.

21/03

Stephen Givens

Kuntz Jan

Harold Grier
Bernard Green
Donella Brach

Martinez
Brehm

Brid Hennigan

John Sweeney

ROSE MARI, WASHINGTON

Reynolds

Stigma Sacchar

der Korymb

Case: DUFF

CHARTERS

Channarayana, Channarayana

longer part.

Longwood

Langhans Point

Laurel's Point

Loughrey's Point

Lengbras Point

Ukkyosei v. Dda

Fuller

10. 11. 1914

W. H. H. H. H. H.

Indigene Tiere.

Channaboli
Kashyap

TABLE OF CONTENTS

1. Introduction
2. Queries and Discrepancies on all Applications
3. Overview of Applications in Loughros Beg
4. Public Interest
5. Queries on Application T12/498
6. Response to the Determination T12/498

- a) Scientific advice to the effect that the waters are suitable for the cultivation of Pacific Oysters. The site is located within the Loughros Beg designated Shellfish Growing Waters area. Oysters in these waters currently have a B classification.
- b) Given the location, nature and scale of the aquaculture activity, there should be no significant impacts on the marine environment and the quality status of the area should not be adversely affected
- c) No significant effects arose regarding wild fisheries
- d) No effects anticipated on existing beneficial usages of the local shore area
- e) The aquaculture activity at this site should have a positive effect on the economy of the local shore area
- f) The visual and landscape impacts of this site were deemed not to be above moderate levels and are at an acceptable range in terms of licensing
- g) The site is located within the Slieve Tooley/ Tormore Island/ Loughros Beg Bay Special Area of Conservation (SAC). A Natura Screening report has been carried out in relation to aquaculture activities in the SAC. There are no direct impacts from culture operations at this site on any features of the SAC and therefore no significant effects arise for the qualifying interests of the SAC or on those in any Natura site proximate to the culture site
- h) The licensing authority's conclusions in relation to the Natura Screening are contained in the Appropriate Assessment Screening Conclusion Statement for Loughros Beg Bay. This document outlines how aquaculture activities in this SAC, including this site, are being licensed and managed so as not to significantly and adversely affect the integrity of the Slieve Tooley/ Tormore Island/ Loughros Beg Bay Special Area of Conservation.
- i) The measures set out the draft Marine Aquaculture Code of Practice prepared by Invasive Species Ireland will be fully implemented as required in licensing conditions
- j) All issues raised during public and statutory consultation phase
- k) The updated and enhanced Aquaculture and Foreshore licences contain terms and conditions which reflect the environmental protection required under EU and National Law

APPENDIX A

Maps of the Applications showing access routes are all from Laconell except for Application T12/498 which is from Ballyganny.

APPENDIX B

Letters of Objection (approx 40) sent to the DAFM on 4 August 2018 to which no response was received.

APPENDIX C

Loughros Beg SAC maps 1-7

APPENDIX D

The Twite Study

1.0 INTRODUCTION

There are seven Aquaculture Licences being processed in Loughros Beg

5 have been allowed T12/161, /460, /403, /162, /498.

2 have been refused T12/431, /417

Our Appeal is against the granting of one Application T12/498A for a new licence at Newtownburke, Loughros Point, Co Donegal (8.839 Ha).

We support the decision not to grant two Applications for new licences - T12/431 (10.4 Ha) at Crumlin and T12/417 (8.2 Ha) at Ballyganny

We have observations to make on the renewal and extension Applications at Laconnell and Inishfallen Island - T12/161 & 162 for renewal and T12/403 & 460 for extension of T12/161.

Applications T12/403 and T12/460, for new licences would extend the existing two farms (Applications T12/161 & T12/162) from 3.876 Ha to 16.8 Ha (42 Acres) to almost 5 times the existing licenced area.

If this large increase is allowed, is there any justification for further expansion north and west across the Bay into the more scenic and recreational areas along the northern shore of Loughros Beg Bay?

2.0 QUERIES & DISCREPANCIES

It is very difficult to read the Applications and relate them to the Determinations because some have a suffix added which is not always referred to in the Determination.

Each of these applications have a reference which varies between the various documents - sometimes with an 'A' added, sometimes not. It is not clear what this means, or which application is being considered. The Department of AF&M was unable to clarify when we phoned. For example in the determination of T12/417 it is also referred to as T12/417A. The same thing occurs with Application T12/431 and T12/498 etc.

There are various drawings included with an application which conflict with another application particularly in the Laconnell/Ballyganny/Inishfallen location.

For example: T12/161 includes a map showing access routes to T12/161 and T12/162A from the south side of the Bay, but the Application for T12/162A shows access from the lane at Ballyganny.

The applicants' names are not necessarily the names of the owners or operators of the site. This makes it difficult for the Department and the local community to have an interface with the activities.

All the applications include only a DRAFT Appropriate Assessment Screening Matrix Conclusion Statement For Aquaculture Activities in Slieve Tooey/Tormore Island/Loughros Beg Bay SAC and Natura 2000 sites adjacent to Loughros Beg Bay.

How is it possible to assess and determine an Application on this basis?

3.0 OVERVIEW OF APPLICATIONS IN LOUGHROS BEG

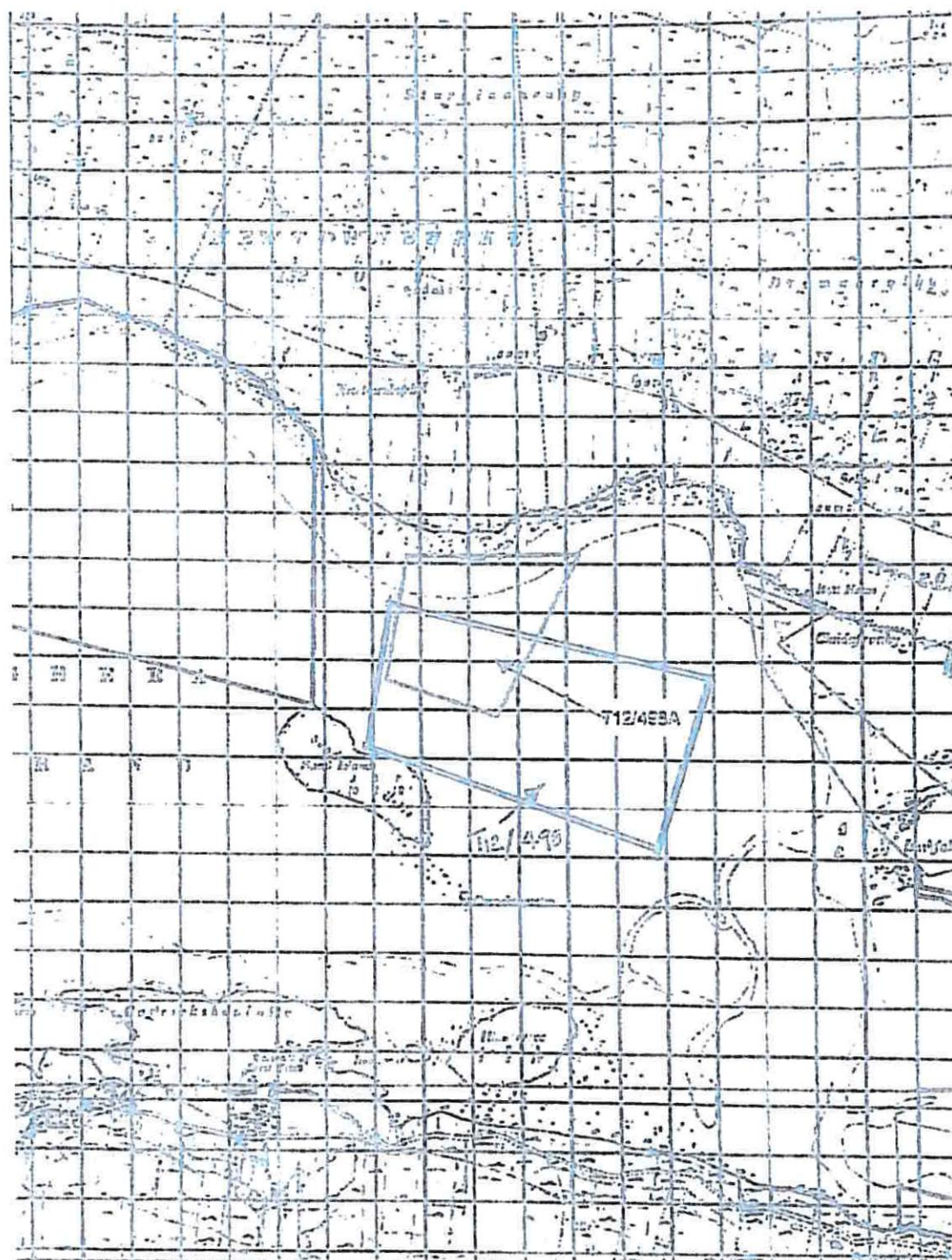
Firstly we would like to make the point that it is very difficult for local people and those affected, to be aware of any foreshore applications for aquaculture development. The applicant is required to advertise the application only once in one newspaper. No site notices are required.

There was no Public Consultation and we only found out about the applications accidentally. In fact some of these applications were made nearly 10 years ago and therefore it could be assumed they were no longer valid (as would have been the case in the normal Planning & Development system).

It is the Ministry's responsibility to ensure that the public is informed about any form of development, land or sea-based.

There is also a serious inequity in the fact that the fee for making an appeal is twice as much as the fee for making an application. The community does not have the resources, or access to professional advice, especially in the given timescale - 30 days. No professional could respond adequately given that timescale.

5.0 QUERIES APPLICATION T12/498 NEWTOWNBURKE



APPLICATION DISCREPANCIES

Are there two applications T12/498 and T12/498A?

Application T12/498 gives two sets of co-ordinates as demonstrated above:

The Application T12/498 states the area is 21 Ha.

The Application T12/498 outlines one area of 8.839 which is noted on the drawing as T12/498A.

The Application T12/498 has applied for Oysters and Clams.

The Application refers to sub-tidal and then inter-tidal later in the Application. Which is it to be?

The Determination T12/498 does not refer to the area noted T12/498A on the Application which is 8.839 Ha.

The Determination allows oysters with no mention of clams.

In other words the Determination differs in a number of respects from the Application T12/498.

The Application:

(...) states that it is a subtidal site of 21Ha

(...) states that it is an intertidal site

Is it 21Ha or 8.839 Ha? Both are mentioned

Is it sub-tidal or inter-tidal? Both are mentioned

All the maps included with the Application show the Channel close against the northern shore. This has not been the case for the last 5 years. It is now further South against Sand Island.

How can a proper assessment of the Application be made when they are based on out-of-date maps?

This is particularly relevant where a sub-tidal licence is applied for as stated in the Application.

The Admiralty Chart No 1879-0 also shows a large licensed area at Cloughboy, immediately to the west of the Application area.

This is too close to the licence applied for and could result in **Spacial Overlap** referred to in (h).

The Application listed on the Department's website as a Draft Appropriate Assessment Screening and when accessed it states it is not available- 'cannot find the page'.

The Determination Refers to the Application being in the eastern portion of Loughros Beg Bay. It is in fact closer to the Western portion of the Bay. It is next to Sand Island, which is considered part of the Maghera Dune system, referred to in the Natura report.

These applications are so poorly completed, containing many mistakes and inadequate information. The maps are out of date leading to many misunderstandings in the local community and for the public on what has been allowed.

We also question why a large section (8 pages) of the Application Form is not available to the public?

It is necessary before, or when, any application is granted to have complete clarity on

- what has been granted,
- what has been withdrawn and
- what has not been granted

There is no clarity from the DAFM in their Determinations, when read in conjunction with some of the incomplete and unclear Applications. The Determinations need to set this out clearly and attach a revised and fully completed Application Form.

Again, these Applications would be deemed 'invalid' in the normal Planning & Development process.

Examples of the misleading maps etc., especially where it refers to access, are attached at Appendix A.

6.0 RESPONSE TO THE POINTS IN THE DETERMINATION

"The Minister for Agriculture, Food and Marine has determined that it is in the public interest to grant the Aquaculture and Foreshore Licence."

We fail to see how the public interest is served. We see no direct benefits in the community. The only, very limited benefits to the community are in the form of a few part-time jobs

- The owners of the farms receive all the income
- None of it is returned to the local community or area
- All of the oysters are exported except for a very small number sold to a few local restaurants
- All of the jobs are part-time and seasonal - the workers are not employed all day long, nor every day, nor every week, nor every month.
- How many of the employees even qualify to be registered in the tax system?
- The access roads, and others, are being degraded. There is no contribution to the County Council for infrastructure, as is demanded for any other type of development, however small, in the normal Planning & Development process.

The economy of Donegal has benefitted greatly from Tourism especially with the introduction of the Wild Atlantic Way. There is a need for people to make a living, but a balance needs to be maintained without degrading the wild and unspoilt nature of the Donegal landscape with disproportionate development of industrial aquaculture, which is in danger of becoming a monoculture with no bio diversity

- a) "Scientific advice is to the effect that the waters are suitable for the cultivation of Pacific Oysters. The site is located within the Loughros Beg designated Shellfish Growing Waters area. Oysters in these waters currently have a "B" Classification;"

We query whether Loughros Beg intertidal area is actually suitable for this type of aquaculture.

As we have no access to the scientific advice at the Department's disposal, it is virtually impossible for us to get the technical advice required within the allotted timescale of 30 days.

The waters have been designated as suitable by the Minister without any proper Public Consultation.

An Taisce has just published a report on Aquaculture (Appendix A)

Antaisce.org. (2018). *Fish Farms & Aquaculture - The National Trust for Ireland - An Taisce*. [online] Available at: <http://www.antaisce.org/issues/fish-farms-aquaculture> [Accessed 2 Sep. 2018].

<http://www.antaisce.org/issues/fish-farms-aquaculture>

It points out that -

"Environmental Impact Assessments (EIA) should be carried out to assess the in combination effects of all aquaculture activities within each bay, rather than assessing licences on an individual basis. Annex III of EIA Directive 2011/92/EU refers to the characteristics of projects that must be considered for an EIA. Paragraph 1(b) of Annex III refers to the cumulation with other projects, indicating that cumulative impacts of aquaculture operations are an important factor for EIA purposes. EIAs should also take into account the potential impact of the aquaculture facility over its entire lifecycle, including the construction, operation and decommissioning phases of the facility."

This is particularly pertinent in Loughros Beg where there seems to be an ad hoc approach to licensing.

"With this in mind, An Taisce believes the time is right for Ireland to develop – similar to many European countries – a strategic and integrated statutory Marine Spatial Planning system."

A major undertaking such as this would also be a good time to tackle some of the detailed problems presented by aquaculture, such as the need to amend the European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477 of 2011) to add the Pacific oyster to the Third Schedule, thus effectively prohibiting use of the Pacific oyster for aquaculture purposes in Ireland."

This is the type of oyster being proposed for Loughros Beg.

One of the major considerations in assessing the suitability of Loughros Beg as an area for aquaculture is the dynamic nature of the Lough. With every tide and every storm in Loughros Beg, the sands and currents are constantly changing.

Firstly, this affects the actual route of the flow of the Channel. Secondly, it also affects the levels of the sand deposited with every tide. The oyster farmers themselves have commented on this phenomenon and have used it to justify moving their trestles around outside their licensed area. This is obviously not permitted without the Licencee referring back to the Department for a new permission. Also further new areas of aquaculture have been established without a Licence

It is also worth noting that there is a huge volume of water flowing into the Lough from the Assaranca Waterfall, which drains precipitation from the largest upland bog in Ireland ie Slievetooley.

Part of the upland area of SlieveTooley drains into the Lough by means of the Owenwee River which flows down the Maghera Valley to join the Lough below the Assaranca waterfall. The Bracky River is also a major contributor to flow into the bay.

The NATURA 2000 states:

"The Slieve Tooley plateau is one of the largest (c. 2,500 km sq.) remaining areas of unafforested upland in the country and must be considered to be one of the best remaining unbroken expanses of wilderness."

In addition any further commercial activity at this site in the bay would greatly affect the future conservation and the setting of SlieveTooney for future generations.

As a result of heavy rainfall, strong tides and near constant wind, there are constant fluctuations in the depth, flow, level and quality of the water flowing into in the Lough.

This raises the question of whether a sea Lough with strong Atlantic tides and the vast catchment area of the mountainous plateau to the south is suitable for aquaculture because of the dynamic nature of the water and the sands.

"2110: Embryonic shifting dunes were actively accreting at Maghera and have increased from 0.43 to 4.75 ha since the baseline survey was conducted." (Extract from NATURA 2000).

Over the last decade There has been a considerable shifting of sand from the Rosbeg peninsula from the north to the southern shores Loughros Mor and Loughros Beg bays.

We are concerned over the operational viability of an Oyster Farm at this site.

The proposed location for the Oyster (*Crassostrea Gigas*) farm identified in Application T12/498 is a sheltered intertidal sand flat. We wish to raise grave concerns about the validity of this proposed location.

A survey of the site T12/498 was taken on 2nd of September 2018 high tide between 9.30am and 10.30am and again at low tide between 16.00 and 17.00.

Levels taken



High tide - level 0

Low tide -0.775M

The difference between high tide and low tide on the strand was 0.775M. The trestle height is 0.54/0.55M approximately. (Height of trestle not clear on application)

The levels were taken 24 hours before neap tide. This occurs twice monthly. It should be noted that within 30 minutes of the high tide, sizeable areas of sand were visible. Also as the strand in Loughros Beg bay has changed dramatically over the last number of years with the shifting sands, the strand level is higher. The channel has moved from where it is shown on the map as shown below.

There is also rust bleeding out on the sand from trestles (shown in picture). There is also evidence of abandoned trestles on the beach.



The evidence we have gathered suggests that the proposed location on Loughros Beg bay cannot be considered a viable site for further oyster development.

Taking into account the concerns expressed above, we urge that thorough consideration be given to the consequences of failure for this application.

Quality of the water

There are many little streams and drains running down to the northern shore of Loughros Beg. The fertile fields are good grazing for sheep, horses and cattle and are very important for the local economy.

EPA excerpt from P32 (presence of E-Coli) on Shellfish Waters - Between 2009 and 2015, the areas that most frequently failed to meet the guide value for e-Coli were:

Adrigole Harbour,

Bannow Bay, Bantry, Cork

North Channel, Cromane

Gweedore Bay

Kinsale

Loughros Beg

Tralee Bay

Wexford Harbour (inner and outer)

This is particularly worrying given it demonstrates that Loughros Beg is one of only eight bays in Ireland where the water quality is below standard.

Oyster farming is the only commercial activity in the Lough.

"Urban waste-water discharges in the vicinity of shellfish waters are being assessed to determine whether they are contributing to failures in shellfish-water objectives and, in turn, whether more stringent waste-water treatment is required."

b) "Given the location, nature and scale of the proposed aquaculture activity, there should be no significant impacts on the marine environment and the quality status of the area should not be adversely affected"

There has been a complete disappearance of Cockles and Mussels from Ballyganny Beach, but there has been no reference to this in the environmental impact studies. There are still some Mussels along the northern shore where the Newtownburke application, oyster farming is very like to have a detrimental effect on any existing mussels.

Does the Determination process investigate the carrying capacity of Loughros Beg bay?

Oyster farming practices, if managed inappropriately, may result in longer term aquatic ecological impacts. Over-stocking of oysters can seriously affect phytoplankton availability for other aquatic animals and plants. In a small, localised area this is considered to be exceeding 'carrying capacity' and can affect the economic return of a particular farm. The larger flow-on effect is the potential to exceed the carrying capacity of a whole bay, whereby total productivity of a bay is reduced to the point where its ecological balance is disrupted.

The presence of inappropriately positioned sea-based oyster infrastructure can potentially disrupt local hydrodynamics such as current speed. This may lead to non-removal, deposition and accumulation or piling of excessive sediment and mud and consequently has adverse impacts on the benthic community.

Given the area marked for development, this proposal allows for the blockage of most of the width of the bay with a large number of trestles. Why has the effect of this on flow/sedimentation/erosion of the bay not been considered?

Ballyganny Strand is heavily used by the existing Oyster Farm and it is now the proposed route for the new Application T12/498 at Newtownburke. The Strand is recognised locally as a cockle strand. Cockles are an important source of food for various wading birds, as are the lugworms and rag worms found in the sands. In common with many parts of Donegal. The strand is in recovery from a red tide event a few years ago. The impact on the cockles and other sources of food, of vehicles crossing the strand to existing farms and any future farms may not be known (as well as the impacts of any farms which would be located on the sands).

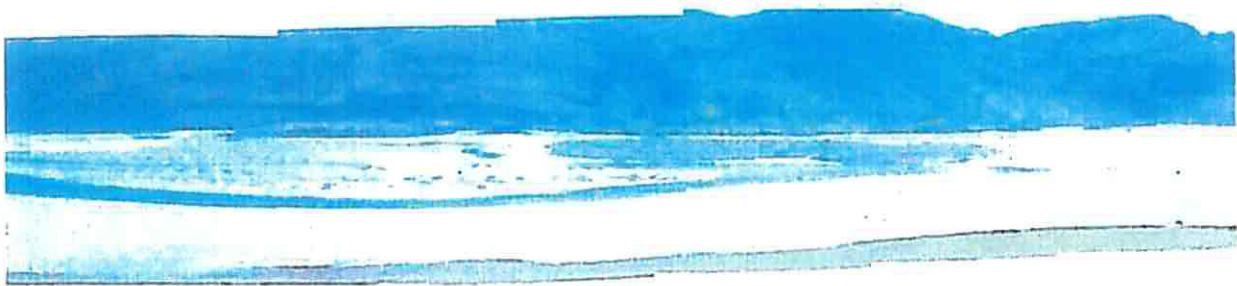
Loughros Beg supports a population of Curlews , the native breeding stock of which is critically endangered.

Clear environmental planning for these oyster farms should have been put in place to overcome conflict between oyster farming and other potential water users. The application does not seem to have considered danger to navigation for people who use the bay for water recreation and the possibility of resumption of commercial salmon fishing from small boats.



THE CHANNEL

The back channel tight in to the Newtownburke shore has been filling in with sand during the last few years and now dries out completely, certainly at spring low tides.



There is currently only one main channel at low tide between the Newtownburke shoreline and the southern shoreline on the other side of Sand Island. During the previous 30 years or more, 2 significant channels existed (neither of which dried out even at spring low tide). The maps submitted with the Application do not accurately represent current reality in that they do not show the current location of channel(s) at this location on the estuary.

The one current channel runs east-west very close to the southern boundary of the Application. This main channel currently runs straight down the Bay and has even moved almost completely away from Sand Island, something I've not seen previously in 40 years or more.

The current siting of the channel would require any sub-tidal element to be re-located near to or possibly beyond the Southern Boundary of the site applied for. This could have serious implications for small craft navigation as long as there remains only one channel navigable at low tide.

Moreover, given the dynamic nature of the estuary resulting in the channel frequently moving position, splitting and rejoining etc, it is difficult to envisage how it would be feasible or commercially viable to have to move trestles repeatedly to ensure they remain continuously sub-tidal.

c) "no significant effects arose regarding wild fisheries;"

Draft fishing

There has been a long tradition of draft netting for salmon in the Bay. The (Bracky) Fishery has been closed for some years, but the status of all salmon fisheries is reviewed annually as regards commercial and recreational fishing. If it were to reopen, and commercial licences restored, then fishing boats would need to be able to go up and down the main channel at low tide and this Operation, whilst there is only one channel as at present, would effectively bisect the Fishery.

The local salmon and sea trout fisheries for the River Bracky are closed this year

Sea (aka White) Trout

"As you may know, Sea Trout are in serious decline on the west coasts of Ireland and Scotland. A link between Salmon Farming and the sharpness of this decline is accepted fairly widely, though not by BIM. (Sea lice, etc). In fact 2 different Irish Government Departments have recently been at loggerheads over this issue, because of proposals to licence the development of at least 3 off-shore mega farms on the west coast (including 1 for NW Donegal).

At a local level, sea trout stocks in Loughros Beg have declined over the years, but there still have been some present in the Bay. Indeed previously there were probably more sea trout in the Bay than ever ran the rivers in the estuary, meaning that the Bay provided sufficient feed to attract sea trout from other nearby river systems.

However, my own experience this year leads me to believe there has been an almost total collapse in stocks in the Bay. Usually there are fish to be seen and/or caught and released early in the season, especially young "post-smolts", but I saw hardly any. Stocks in the Bay during the summer could prove variable, but this summer I have seen almost none. They could all be out feeding at sea and only come in in September/October when they are returning to run the rivers and spawn. If so, that still tells you something about the health of the food ecosystem within the Bay.

But what if they don't appear?

There was a healthy stock of Mergansers within the Bay, especially easily seen at low tide. They seem to have disappeared. Very few shags or cormorants are seen fishing in the Bay any longer. The presence or otherwise of these bird species in the Bay would be a much better indicator of the health of stocks of small fish such as sandeels, sprat and sea trout/salmon post smolts than direct human observation. NB *Shag is a listed species for the SAC under the Habitats Directive.* <http://eunis.eea.europa.eu/sites/IE0000190>

Inland Fisheries Ireland carry out electrofishing of the Brackly river every few years, mostly to determine the health of juvenile Salmon stocks, but this should also have given them ongoing hard data on the health of juvenile trout stocks."

This information has been gathered from local experienced salmon and sea trout anglers.

d) "No effects anticipated on the man-made environment heritage of value in the area"

The DONEGAL DEVELOPMENT PLAN states *its aim is to conserve and protect the County's archaeological heritage for present and future generations while encouraging appreciation and enjoyment of these valuable, non-renewable, cultural resources through sustainable management, sensitive enhancement and appropriate development. The Council recognises the cultural and historic importance of the County's archaeological heritage.*

There are a number of heritage issues which have been picked up in the responses to the individual applications.

In addition Lochlann McGill's book refers to the Turas - ancient religious pilgrimage routes, one from from Inishkeel Island, across Loughros Point to Crannogboy and along Loughros Beg Bay northern shore crossing the Channel at/to Laconnell and from there on to Glencolmcille. The route is marked with ancient stones carved with crosses and religious sites on the way. This route will be unrecognisable/impassable soon.

Inishfallen Island is currently virtually surrounded by oyster trestles well within 50 metres, which have been constructed here in the last few months.

This beautiful little island is visited regularly by the children and teachers from Crannogboy National School. They visit the ancient freshwater spring; study the flora and fauna of the Bay as part of the science curriculum and learn about the history of their area.

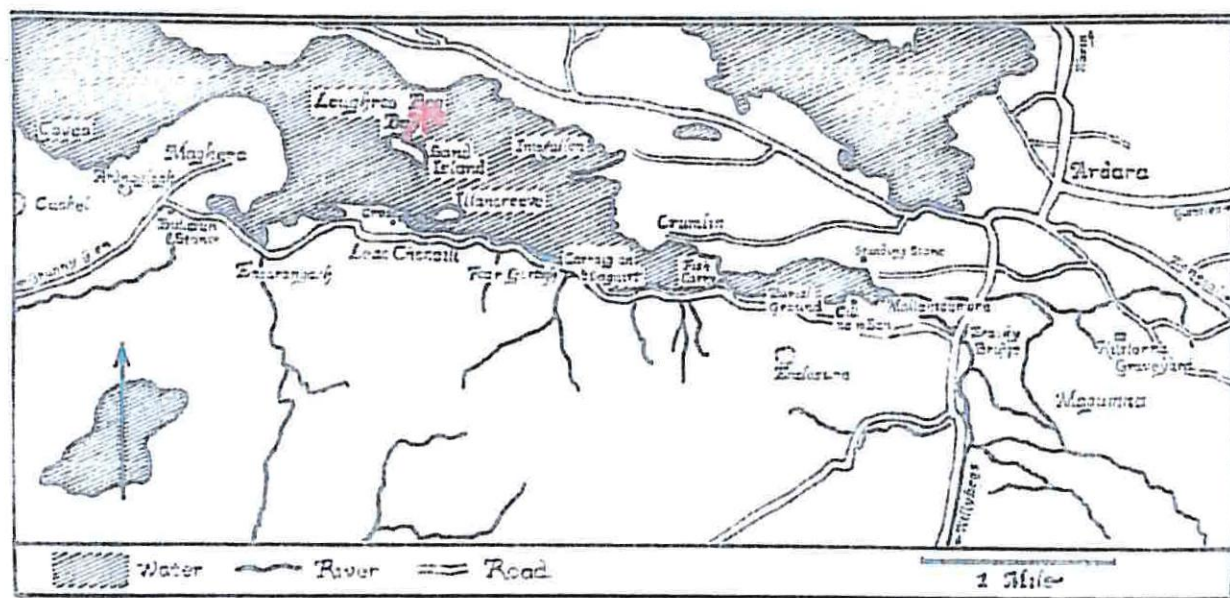
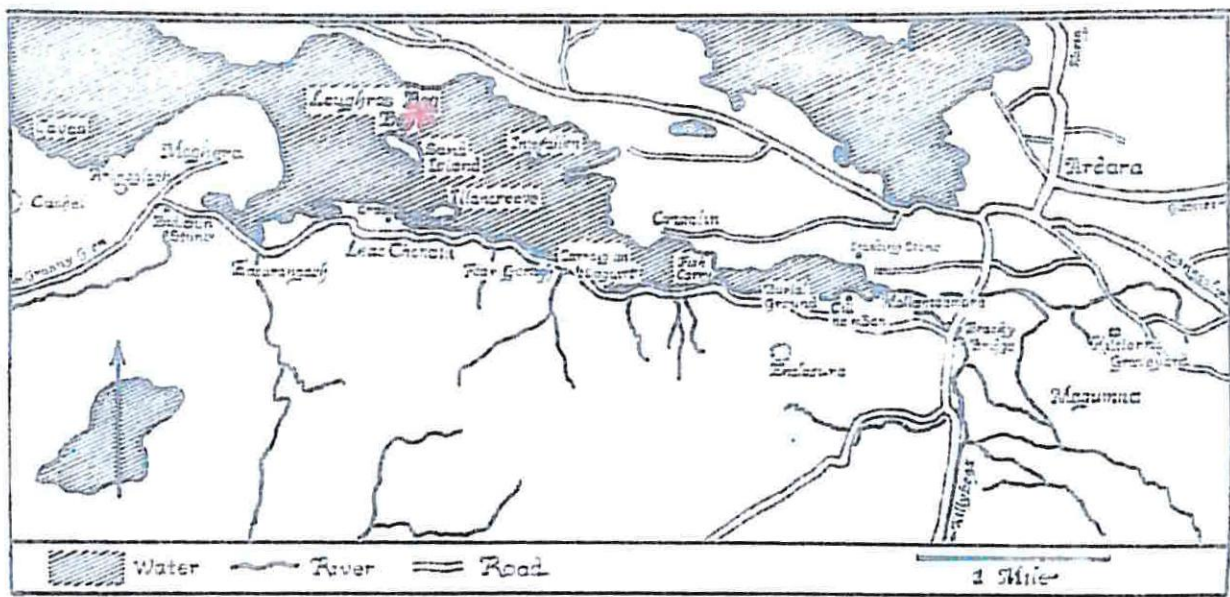
On Sand Island there is an Early Christian Megalithic Tomb. Sand Island is an extensive sandhill on Maghera Strand just north of Laconnell. It is accessible on foot when the tide is out. According to the Survey of Megalithic Tombs of Ireland, there is a portal tomb here which lies in the path of Turas Cholmcille. There are Cross Inscribed Stones from Newtownburke across to Laconnell. The oyster farm would be in its path.



Plate 163, Sand Island (Dg. 112) View into chamber from east.



Inscribed Standing Stone from Turas Cholmcille



It has been said that there are more, and older, historic artefacts on this Turas route than there is on the Camino pilgrim route to Santiago - the tourism potential of this should not be overlooked.

e) "No significant impacts anticipated on existing beneficial usages of the local shore area;

The Shanaghan/Ballyganny lane has been badly degraded because it is now used constantly by the Oyster farmers, instead of their approved access route from the Laconnell Road.

The end of the lane is badly 'chewed up' with wide tractor marks breaking the banks. A very rough parking/turning area has been constructed to accommodate vans, tractors and trailers.

It is very unsightly and not at all conducive to visitors who would normally come at the weekends and holidays to use the Beach. Also the sight of industrial trestles is enough to deter people from wanting to use the beach at all, for recreational activities -

- Walking
- Fishing
- Windsurfing
- Kayaking
- Mussel picking
- Horse riding



If the new Application T12/498 goes ahead, then this small, single track lane, which has 14 families living along it will become a semi-industrialised access route. One of the applicants of the existing Licence already has a Conditional Planning Approval for a land-based installation along this lane.

We are strongly opposed to any commercial activity in this area. The last 100 metres of the lane in Ballyganny, including the stone wall of the last house, is part of the SAC and the lane should not become industrialised.

Ballyganny Strand is recognised locally as a cockle strand. Cockles are an important source of food for various wading birds, as are the lugworms and rag worms found in the sands. In common with many parts of Donegal, the strand is in recovery from a red tide event a few years ago. The impact on the cockles and other sources of food, of vehicles crossing the strand to existing farms and any future farms may not be known (as well to the impacts of any farms which would be located on the sands).

Loughros Beg supports a population of Curlews, the native breeding stock of which is critically endangered.

f) "The aquaculture activity at this site should have a positive effect on the economy of the local area"

The Donegal landscape is a valuable national and local asset that requires sustainable management to facilitate development and growth whilst also retaining, conserving and protecting the character, quality and resultant value of our landscapes. (DONEGAL DEVELOPMENT PLAN)

Donegal is recognised to be the poorest County in Ireland and has the most underdeveloped and neglected infrastructure in the country. The people of Donegal are proud of their heritage and the natural assets of the County and its unique landscape. They are not willing to endanger the outstanding landscape in order

- to enrich a few oyster farmers and
- to improve the export figures and foreign income figures for the Exchequer.

There is absolutely no gain apparent, in any sector in the County, for these activities.

The employment opportunities are minimal. There are very few, or no, full-time jobs available in the community.

Why has Donegal got the highest area of aquaculture in the Country and yet receives the smallest share of the National Budget in return?

We would like to know where the positive effect on the Economy is to be found

Tourism is one of the largest revenues in the County and the DONEGAL DEVELOPMENT PLAN states - in order to enable Donegal to compete as a world class tourism destination its key tourism assets should be supported by sustainable development which will support and enhance the setting of its major tourist attractions.

With its; rugged coastal landscapes, windswept mountains, offshore islands, varied natural habitats, vibrant cultural life and Gaeltacht areas, and rich built heritage, Donegal possesses a wealth of world- class tourism assets (Map 9.1: Tourism refers). Furthermore iconic attractions such as Glenveagh National Park, Sliabh Liag, Fanad Lighthouse Malin Head, and Grianan Na Aileach are capable of attracting significant visitor numbers in their own right.

Fáilte Ireland's Regional Tourism Performance Report for 2015 shows that Donegal and the North West has under-performed compared to other counties and regions in Ireland in relation to tourism due to geography/politics, a lack of market awareness and key infrastructural deficits.

The Wild Atlantic Way Strategy and its associated marketing and branding together with an integrated approach to product and experience development within the County is critical in this regard.

The spread of oyster farms across the Bay will greatly affect the setting and appearance of this unique SAC which can be viewed from many viewpoints in the County.

SEASCAPE

"Donegal has a distinctive, spectacular and diverse coastline of some 1,134km, most of it fronts directly onto the Atlantic Ocean. The indented coast is the longest in Ireland and boasts a heterogeneous character comprising of cliffs, sheltered bays, caves, open coastal views and headlands. The coastal landscape and seascape is synonymous with the character and identity of the County, and inherent in the complex history of the County.

Seascape is a crucial element in any maritime location whether it be employment, pleasure or tourism as examples and it gives a sense of identity and oftentimes defines the culture of the area. It reflects the relationship between people and place and is a product of the interaction between the natural, built and cultural components of our environment (Natural England 2012). It has played an important part in the history and development of Donegal as a landing port for the first settlers, as a food source for its people, for transport and communications, for defence, for commercial fishing, enterprise and export and the local culture of the population amongst a wealth of others. More recently, the coast and the sea have been the focus for tourism and leisure providing a significant asset as a recreational resource along with associated, considerable development pressures. Donegal's dynamic coastline has continuously changed physically, in its use and capacity over time and this change is destined to proceed with global warming, sea levels rising, new and evolving technologies and social and cultural changes."

Tourism is what brings in the largest revenue in the County and the unique, wild, natural, sea/landscape is what attracts everyone to the area.

Tourism in the Ardara area will be less attractive if this huge increase in aquaculture is allowed to proceed unabated, with little or no control or enforcement of the regulations.

g) " the visual and landscape impacts were deemed not to be above moderate"

Surely this assessment is wrong. The area is one of outstanding natural beauty. A picture of Ballyganny Beach was recently featured on the front page of 'The Times' newspaper.



Donegal County Council Seascape Character Assessments

"The entire coastline of this seascape unit is designated as SAC dotted with small pockets of SPA. The area contains two large SAC's which are divided into the north and south of the unit. The areas designated as SPA are mainly concentrated around Loughros Point and Slievetooley Mountain. SACs and SPAs that fall within this seascape unit are listed below.

- West of Ardara/Maas Road SPA 000197

- *Slievetooney/Tormore Island/Loughros Beg Bay SAC 000190*
- *Lough Nillan Bog SAC 000165 (Carrickatlieve)*
- *Sheskinmore Lough SPA 004090*
- *West Donegal Coast SPA 004150*
- *Lough Nillan Bog SPA 004110*
- *Loughros Beg is a protected Shellfish Area and has an associated "Loughros Beg" Pollution Reduction Programme.*
- *Key views to sea and coast- Most of the views from this seascape unit are confined to being of other elements of this unit due to the indented nature of the coast although there are some views of the open sea to the west of Loughros More Bay diminishing eastwards along the narrow estuaries. Views along the coast vary from the heath and agricultural land to the north, along the bays, sandy coast, vegetated sand dunes to areas of high elevated bog to the south. Key views are from Loughros Point and the elevated land behind Mahery.*
- *Seascape Unit 13 - Loughros"*

Even if visual impact is regarded as a material consideration only where it is from a nearby road (in itself a very limited way of interpreting this factor) this Application would have visual impact.

The Application appears to imply all the trestles would be located close to the Loughros Point shoreline and tucked away largely out of sight when viewed from the main road leading out along Loughros Point.

However it must be remembered that the area for which the Licence being sought is much greater. It stretches a long way across what is one of the most outstanding views from the Loughros Point road - out across the estuary at low tide embracing Sand Island and, the hills on the south side of the estuary, the Assaranca waterfall, SlieveTooey and its sea-cliffs, the beach and the Atlantic Ocean. The view is much photographed and also used in tourism marketing material.

If a licence were to be granted that allowed the inter-tidal positioning of trestles, then the Applicant would be free to locate trestles within any part of the approved site. If inter-tidal trestles were positioned on the sands away from the Newtownburke shoreline but still within the overall boundary marked within the Application, the visual impact from the road along the Point would be significant, also looking eastwards from Cloughboy and even from the southern side of the Bay).

The application sets out two sets of co-ordinates - one for 8.839 Ha and one for 21 Ha. The attached photograph illustrates what 8.839 Ha would look like. 21Ha would cover the width of the Lough. Has the 21Ha site been officially 'not granted' or is it just 'withdrawn'?

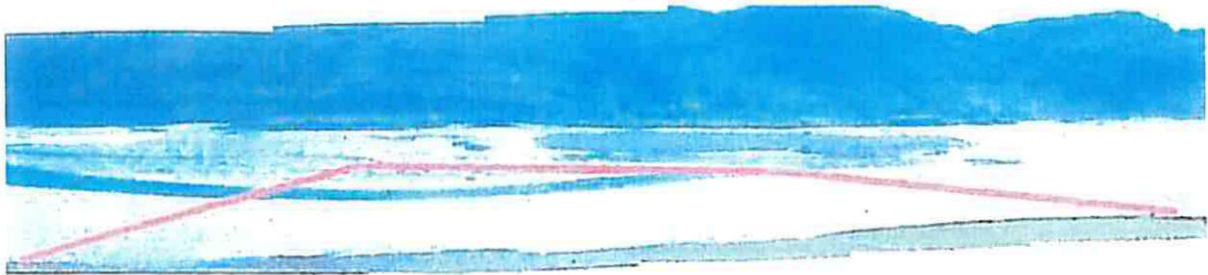
The Application T12/417 in Ballyganny was not allowed because of :

- the visual and landscape impacts arising from the development of Site T12/417A would be significant and outside the acceptable range for licensing when short distance views from the public road to the N/NW (locally known as the Point Road) are considered.
- the proposed aquaculture development would be prominent in view, due to its location on a large and elongated site with background mountainous areas of High Scenic Amenity.

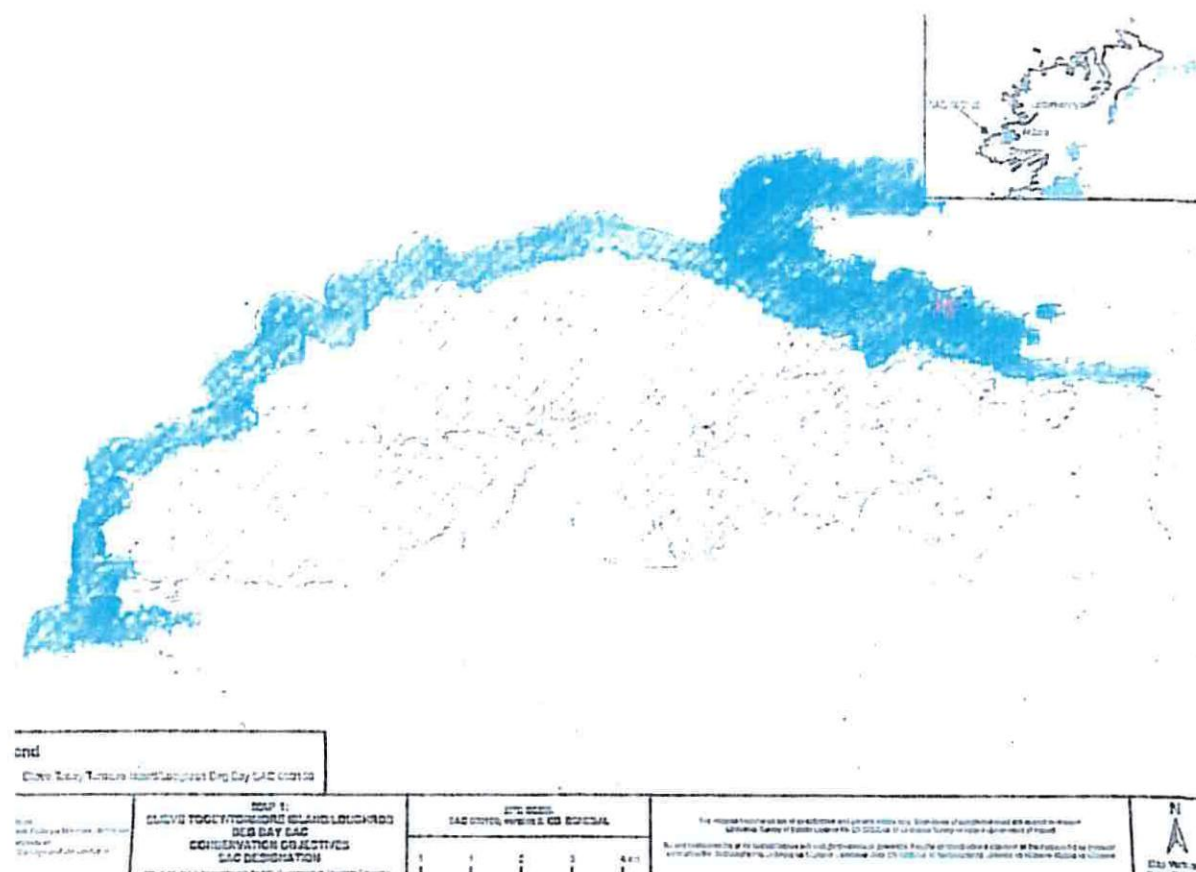
It can be seen from the photograph below, which was taken from the public road to the North of the site - The Point Road - that the views of the Loughros Beg, Sand Island, Maghera Strand and SlieveTooey are spectacular. They are just as spectacular as the views referred to in the 'Determination Not to Grant' in Application T12/417.



We have superimposed the proposed Oyster Farm on the photograph to make the case. The location from which the photograph is taken from, is on the road and a favourite place for tourists and visitors to stop and photograph the view.



h) "The site is within the Slieve Toomey/ Tormore Island/Loughros Beg Bay Special Area of Conservation (SAC)



DONEGAL DEVELOPMENT PLAN

The Donegal landscape is a valuable national and local asset that requires sustainable management to facilitate development and growth whilst also retaining, conserving and protecting the character, quality and resultant value of our landscapes.

A Landscape Character Assessment for Donegal (first stage in the process) was prepared and endorsed by the members of Donegal

Rural Areas of Especially High Scenic Amenity: Are sublime natural landscapes of the highest quality that are synonymous with the identity of County Donegal. These areas have extremely limited capacity to assimilate additional development and accordingly development proposals in such areas must be formulated to ensure adequate integration into the receiving landscape and must otherwise comply with all other objectives and policies of the plan.

The aim is to conserve, protect and enhance the County's natural, built and cultural heritage for future generations and to encourage appreciation, access and enjoyment of these resources.

We do not think that oyster farms spreading out from the north bank across the Lough to Sand Island, right in front of the SlieveTooey range would be compatible with that objective.

Rural Areas of Especially High Scenic Amenity: Are sublime natural landscapes of the highest quality that are synonymous with the identity of County Donegal. These areas have extremely limited capacity to assimilate additional development and accordingly development proposals in such areas must be formulated to ensure adequate integration into the receiving landscape and must otherwise comply with all other objectives and policies of the plan

Seascape

Biodiversity

The entire coastline of this seascape unit is designated as SAC dotted with small pockets of SPA. The area contains two large SAC's which are divided into the north and south of the unit. The areas designated as SPA are mainly concentrated around Loughros Point and Slievetooey Mountain. SACs and SPAs that fall within this seascape unit are listed below.

- West of Ardara/Maas Road SPA 000197*
- Slievetooey/Tormore Island/Loughros Beg Bay SAC 000190*
- Lough Nillan Bog SAC 000165 (Carrickatlieve)*
- Sheskinmore Lough SPA 004090*
- West Donegal Coast SPA 004150*
- Lough Nillan Bog SPA 004110*
- Loughros Beg is a protected Shellfish Area and has an associated "Loughros Beg"*

Pollution Reduction Programme.

Cultural influences

- There are a considerable amount of archaeological monuments within this area including a number of megalithic tombs, and a ring fort (rath) at Ardara from which the town takes its name (Ard an Rath).*
- Ardara has been in existence since at least megalithic times, and has a strong tradition of hand woven tweed and hand knitting dating back to the middle ages, it has been designated a Heritage Town based on its tradition of weaving and knitting.*

• *Ardara retains a considerable amount of its original built fabric and form.*

• *This Seascape Unit 13 falls within the Donegal Gaeltacht*

Given the importance of the bay under the SAC, consideration should be given to the impact of the total area of all the oyster farms, existing and approved, in this relatively small area.

- i) " The licensing Authority's Conclusions in relation to the Natura Screening are contained in the Appropriate Assessment Screening Conclusion Statement for Loughros Beg (available on the Department's website)."

The AASCS included with the Application T12/498 is noted as a DRAFT. The link was not available on the website. If this has not been considered surely this is not acceptable.

There are several points worth noting in the site synopsis of the NATURA screening document:

Birds

"The cliffs and rocky islets provide important breeding habitat for seabirds, including Kittiwake, Razorbill, Guillemot, Fulmar and Puffin. Chough, a species listed on Annex I of the EU Birds Directive, also breed on the cliffs with up to 13 pairs present in 1992. Merlin, Peregrine, Golden Plover breed in small numbers - all three of these species are also listed on Annex I of the EU Birds Directive,"

In fact BirdWatch Ireland occupied a small house at Newtownburke on the hill above the Applicants site to carry out extensive research on the Chough (a large, black, bird with red legs). The nesting area of the chough is visible from this hill. Their territory extends from Maghera, north across the Point to Liskeraghan where they visit every evening at sunset before returning to their roosts on the cliffs overlooking Maghera Beach.

The distribution and feeding ecology of Choughs *P. pyrrhocorax* in Co. Donegal: September 2004 to August 2005

N. Gray, M. Trewby, S. Cummins, G. Thomas & S. Newton

"Throughout the autumn and winter movements of pairs and smaller flocks between Maghera, Loughros Point and Sheskinmore was noted. Loughros Point, which holds plentiful grazed, semi-improved agricultural habitat attracted pairs from the relatively densely populated area around Maghera where five pairs nest within a 2.5km stretch of coast (Figure 2a). Liskeeraghan, on the north side of Loughros Point, is an area particularly well grazed by sheep, where a wide strand is backed by fixed dunes and semi-improved grassland grades into well-drained pasture on a sandy substrate. Birds were recorded using this area in the winter and Loughros was possibly a 'staging post' for Maghera

birds travelling further to feed, with the flock and individually, at Sheskinmore. Flights were observed between Liskeeraghan and Sandfield as well as the western portion of the Sheskinmore dunes (Figure 4a). As the winter progressed and the Lefrin Hill roost site declined in numbers, a roost at Granny Glen was identified used by up to 20 birds (Table 3). Flocks of more than ten birds were tracked from Granny Glen to Liskeeraghan at this time. Pre-roost gatherings of up to 20 birds were also seen on the south side of Loughros Point (near Cloghboy) prior to flying south across Loughros Beg Bay together (Figure 4a); these probably consisted of non-breeders using the Granny Glen roost and Maghera breeding pairs roosting separately at their nest sites. The latter roost was inactive by April 2005.

Loughros Point

As in the previous autumn/winter, pastoral farmland on Loughros Point was used extensively by pairs, thought to be from nest sites in the Maghera area, throughout autumn and winter 2005, though no flocking activity was recorded at Liskeeraghan."

The National School at Crannogboy has recently carried out a successful project with Birdwatch Ireland looking at the habitat of the Twite.

*"The twite *Carduelis flavirostris* is one of only three passerine species on the Red List of Birds of Conservation Concern in Ireland. The national population is estimated at between 54 and 110 breeding pairs with an estimated minimum of 650 – 1100 birds in winter. Therefore, breeding twite can be categorised as being 'Endangered' using the IUCN criteria for the categorisation of Red List species and are thus considered to be facing a 'very high risk of extinction in the wild' in Ireland."*

Due to the precarious situation regarding the twite breeding population in Ireland, it is vital that land management prescriptions and species policy now focus on their conservation.

The implementation of successful conservation plans for bird species can often be complicated due to the large areas the species may cover between the winter and summer seasons. In the case of twite however, due to the sedentary nature of our population, conservation action plans

focused in the areas they occur have the potential to be highly successful in targeting both breeding and wintering populations. (McLoughlin, 2011)

In his document, McLoughlin refers to Loughros point as one of the few breeding grounds for the twite bird and as an area which they wish to further develop as twite breeding ground. This can be seen on the maps attached.

Table 3. General locations of proposed target wintering areas in Mayo and Donegal. An extra site should be considered at Glencolumbkille, Co. Donegal.

Site no.	Mayo	Donegal
1	Carrowteige/Rosspoint	Aran Island
2	Ballyglass	Crohy Head/Maghery
3	Termoncarragh	Sheskinmore
4	Cross Pt. / Elly Bay	Loughros Point
5	Blacksod/Surge View	Malin Beg
6	Doogort	
7	Doogea	

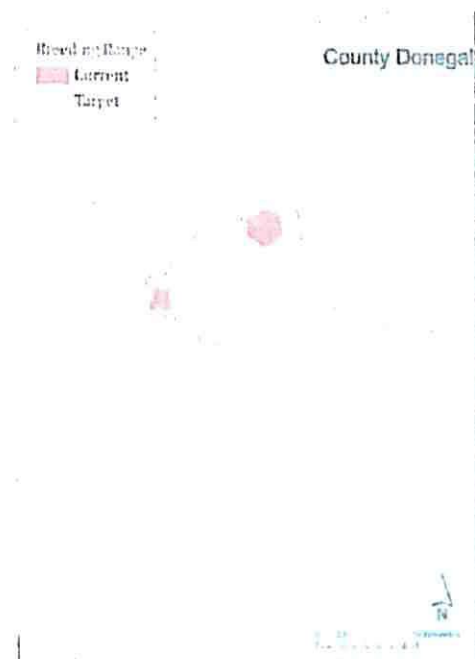


Figure 4. Current breeding ranges for the twite in Co. Donegal with Target areas for potential range expansion also shown. The target range includes all areas between the Glencolumbkille and Malinbeg breeding areas and stretches as far south as Tollymore.

"In addition to the need to consider any potential impacts of aquaculture on Natura 2000 sites (i.e. SACs under the Habitats Directive and SPAs under the Birds Directive), the aquaculture licensing process and subsequent monitoring processes should take account of the continuing legal obligation to avoid, in such sites, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant. Further, in respect of species listed on Annex IV to the Habitats Directive - including otters and cetaceans, for example - it is prohibited, without a licence, to (amongst other things): deliberately capture or kill any specimen of these species; deliberately disturb these species, particularly during the period of breeding, rearing, hibernation and migration; or damage or destroy a breeding site or resting place of these animals. "Deliberately" has been interpreted very broadly by the European Court of Justice for these purposes, to include proceeding having accepted the possibility of a prohibited act being committed. Thus, it would be an offence to, for example, capture or kill an otter in an aquaculture facility (e.g. through entanglement and drowning) having accepted the possibility that this might happen. As a more general point, in 2007 Ireland was found in breach of EU law by the European Court of Justice for failing to ensure that aquaculture projects likely to have a significant effect on Natura 2000 sites, either individually or in combination with other projects, are made subject to an appropriate prior assessment. This is a major concern which remains to be fully addressed." Antaisce.org (2018)

The school is on the Point Road immediately above the site and the Lough is part of their learning and recreational environment.

Grey Seal

"The whole of Loughros Beg and the coastline of SlieveTooey is noted as an important breeding area for Grey Seals.

"The Grey Seal, a species listed on Annex 11 of the EU Habitats Directive, breed in sea caves on this site. The breeding population is estimated at 868 - 1116 individuals (in 2005). A one-off moult count in 2007 gave a figure of 92 seals."

This is a very worrying decline in the number of Grey Seals in the Lough. The map below demonstrates that the whole of the coastline of Loughros Beg Lough is included in their territory. This habitat has

already been compromised by Oyster Farming at the eastern end of the Lough

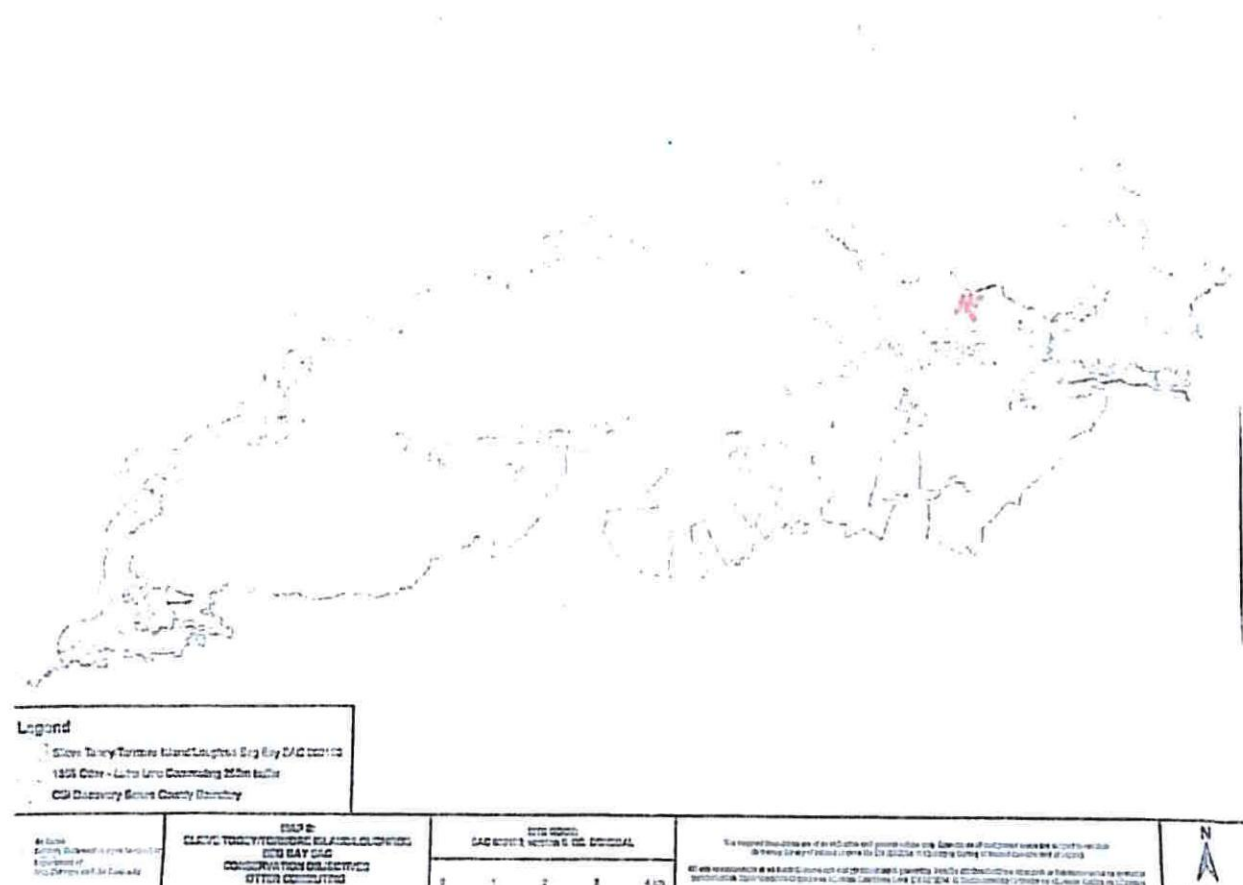
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Antaisce.org. (2018). *Fish Farms & Aquaculture - The National Trust for Ireland - An Taisce*. [online] Available at: <http://www.antisce.org/issues/fish-farms-aquaculture> [Accessed 2 Sep. 2018].

OTTERS

"Barriers to Connectivity"

Otters will regularly commute across stretches of open water up to 500m e.g. between the mainland and an island; between two islands; across an estuary (De Jongh and O'Neill, 2010). It is important that such commuting routes are not obstructed



Human activities should occur at levels that do not adversely affect the grey seal population at the SAC

This Bay at Cloughboy is still accessed and used by local people and visitors for picking mussels, fishing and launching boats. Seals and otters frequent the bay. The seals rest on the sandbanks and there is a freshwater inlet at the western side of the bay where there is and otter 'set'.

j) "...draft Marine Aquaculture Code of Practice prepared by Invasive Species Ireland Will be fully Implemented as required in the licensing conditions;"

The An Taisce report on Aquaculture mentions the need to:
amend the European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477 of 2011) to add the Pacific oyster to the Third Schedule, thus effectively prohibiting use of the Pacific oyster for aquaculture purposes in Ireland." If this is done then we assume the pacific oyster will be subject to restrictions.

The Manila Clam proposed in Application T12/498

The Manila Clam, unlike the Pacific Oyster, it looks like it may be able to breed here successfully. The link below states it has been known can be impact negatively on local ecosystems and also can act as a host for a parasite that affects mussels.

Loughros Beg Bay has a population of native mussels and notably in the vicinity of the Newtownburke and Cloughboy shoreline.

Given that the Application T12/498 entails the *deliberate* introduction of a non-native species which seems capable of breeding, the potential impact(s) on the local ecology should have been given very careful consideration as part of the environmental impact assessment. It was not mentioned.

The "Precautionary" Principle should surely apply?

References - Overview of the pro' and con's of bivalve culture.

<https://www.omicsonline.org/open-access/effects-of-bivalve-aquaculture-on-the-environment-and-their-possible-mitigation-a-review-2150-3508.1000105.php?aid=30445>

https://www.researchgate.net/publication/258998107_Environmental_impacts_of_bivalve_mariculture

Wireweed (Sargasum Muticum)

An alien and invasive seaweed (the frondy fern-like stuff at the top of the picture below) has arrived in Loughros Beg. I first noticed it near the

entrance within the Bay a year or two ago, others may have seen it elsewhere and/or earlier. It is spreading and is most easily observed in areas which don't dry out at low tide. It is known to attach to aquaculture structures and has the potential to clog up harbour areas, bays etc, impede navigation and alter ecosystems.

There is a strong association with Oyster farms and some suspicion its spread is being increased through importing oyster material from France and elsewhere.

<http://www.seaweed.ie/sargassum/>

[Seaweed.ie](http://www.seaweed.ie) ::

[Sargassum muticum](http://www.seaweed.ie)

www.seaweed.ie

Sargassum muticum Wireweed

What is it? Sargassum muticum is an invasive brown seaweed that has recently found its way to the shores of Ireland. In Japanese waters, where it originates, it is a relatively small, innocuous seaweed (1-2 m in length).



http://news.bbc.co.uk/1/hi/scotland/highlands_and_islands/7635142.stm

k) "All issues raised during the public and statutory consultation phase;"
There was no Public Consultation offered - only one Notice in one newspaper.

In addition there are no responses noted in the Determination on the issues raised in the letters of objection sent by local people on 4 August 2018. This illustrates a total disregard for the knowledge and insight of people who live and work in the district. It also makes people feel their opinions are not valued and consequently they have no input into what happens in their community.

l) "The updated and enhanced Aquaculture and Foreshore Licences contain terms and conditions which reflect the environmental protection required under EU and National Law."

There have been serious breaches of the existing licences in Loughros Beg eg:

- extending beyond the boundaries of the Licensed area
- using an unapproved access route
- establishing and constructing large new areas of oyster cultivation without a licence



This photo was taken by Google maps in 2014/15 and illustrates clearly that the existing licensed area has been exceeded. Currently the unlicensed area is even larger than shown above.

These activities have been continuing for some years now and there is no evidence that the terms and conditions of the environmental protection required under EU and National Law have been enacted. We therefore need information on what measures there are for enforcing these terms and conditions before any new applications or renewals are granted.

Note below the cover of the DAFM Application Form stating that:
... it prohibits any person making an application for an Aquaculture Licence from commencing Aquaculture operations until duly licensed under the Fisheries (Amendment) Act 1997



AQUACULTURE - LICENSING UNDER

FISHERIES (AMENDMENT) ACT 1997 as amended

and

FORESHORE ACT 1933 as amended

*Application Form for an Aquaculture and Foreshore Licence for
a single specific site.*

*If a Licence is required for more than one site a separate
application form must be completed for each site.*

Important Note

Section 4 of the Fisheries and Foreshore (Amendment) Act, 1997 (No. 23 of 1997) prohibits any person making an application for an Aquaculture Licence from commencing aquaculture operations until duly licensed under the Fisheries (Amendment) Act, 1997 (No. 23 of 1997), and provides that a breach of that prohibition will cause the application to fail.

A copy of an Environmental Impact Statement and Marine Impact Statement should be enclosed, if required, with all new, revised and renewal applications. See Guidance Notes Section 3.

Aquaculture & Foreshore Management Division,
Department of Agriculture, Food and the Marine,
National Seafood Centre,
Clonsilla, Co. Cork.
Telephone: (023) 8229200
Fax: (023) 8221722

Revised 2011

APPENDIX B

Letter of Objection (approx 40) sent to the DAFM on 4 August 2018 to which no response was received.

Aquaculture and Foreshore Management Division,
The Department of Agriculture,
Food and the Marine,
Clogheen,
Clonakilty,
Co. Cork.

4th May 2018

A Chara,

Case reference: [T12/403, T12/417, T12/431, T12/460, T12/498]

I am writing to make a formal observation, pursuant to Regulation 9 of the Aquaculture Regulations 2012, with respect to the Aquaculture licence applications cited above. The applicants (Charles Mc Hugh, Vincent Gavigan, Barry Mc Guinness) are seeking permission to carry out a number of Marine-based and Mari-culture related activities, specifically the cultivation of shellfish (*Crassostrea Gigas*) and the erection of harvesting equipment and deployment of associated cultivation methods, at Loughros Beg Bay, Co. Donegal. Loughros Beg Bay is within the Slieve Tooney/ Tormore Island/ Loughros Beg Bay Special Area of Conservation (SAC) (Site code: 0190) and adjacent to the West Donegal Coast SPA (Site code: 04150).

I can confirm that I have studied all the relevant documentation pertaining to the above application and I hereby enclose herein details of my reservations with respect to same for your consideration.

Visual Impact

I support the rights of locals and wildlife, enjoying for generations the tranquillity, quietude and unspoilt attributes associated with this rural setting, including the unperturbed, pristine waters for which Loughros Point and Maghera are both renowned and revered as part of the Wild Atlantic Way.

As the area has remained largely undeveloped it's felt that the impact of a large scale proposal such as this, would be greatly impede on the area's unique rural landscape and unblemished topography.

Oyster farming, as a commercial activity, is specially structured and orientated to take full advantage of the biology and life cycle of the target species. Depending on the methods of cultivation and techniques involved, harvesting of shellfish cause major visual obstruction.

The technique favoured by the applicant involves the use of 'Oyster Trestles' which, as physical steel structures of varying heights, are easily visible. Additionally, the installation of 'navigation poles' along the marine bed which, are designed to be much greater in height than the trestles, may also be considered unsightly. When submerged by the water, they are a serious hazard. The spiked racks are a danger to navigation and swimmers, particularly those who might be unfamiliar with the area as well as people boating or kayaking in the area.

In the instance of this application, it's planned that trestles will be 0.6m in height and 0.8m wide at the top, while the poles have a height specification of 3.5m. Such sizeable frames and poles are clearly visible in the estuary, particularly during periods of low tide. It can therefore be argued that such a method of cultivation is visually intrusive and would cause significant visual obstruction for both residents and visitors to the area alike. The volume of visitors in the area may be affected, which could be detrimental to tourism in our Heritage town of Ardara and the surrounding areas. Many use the road to Maghera as their preferred route to access other Special Areas of Conservation such as Sliabh Liag [Site Code: 000189] or Glencolmeille [Rathlin O Birne Island Site Code: 000181] via Granny Pass. The applicants have not outlined how the visual impact issues will be addressed in their submission.

Dumping and pollution is also a major concern. An area of beach between Shanaghan and Crumlin currently resembles something reminiscent of a scrap metal yard, with a large number of old rusty trestles left abandoned.

Transport routes into and out of the site will experience major disturbances. As well as the increased noise and possible pollution, the current roads will not be able to withstand the volume of extra heavy machinery on such a regular basis. Although the transport is supposed to be confined to fixed routes as clearly defined in the applicants' licence conditions, there have been cases where employees have used another road for parking and as their unauthorised access point to the oyster farms.

Environmental impact:

Considering that the nature of 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 mar-culture activity must incorporate specific conditions as to accommodate Natura 2000 requirements.

It is widely documented that oyster farming can have a detrimental effect of 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. Furthermore, 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.

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'. I would encourage that a full appropriate assessment of the environmental impact of the area be conducted to ensure the species of this SAC would not be negatively effected.

Economic Impact:

Notwithstanding the potential knock-on effects which the awarding of this licence may yield and as discussed previously in this submission, another area to which consideration must be given is that of the impact which such a development may have on the local economy.

Donegal is widely regarded as a land of breath-taking natural beauty and is renowned for its long picturesque coastline, and unspoilt natural habitats. 'The Beautiful Scenery' was the main reason tourists cited 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

Notwithstanding this, it is important to note that poor and imprudent planning and management of aquaculture can also impact negatively on lucrative recreational activities and amenities such as fishing, water sports, walking, equestrian beach trekking and ecotourism to name a few.

As a result, the strand is understandably a major lure and for visitors when coming to the region, and any development which could potentially restrict or limit its usage for water based leisure activities should be vehemently opposed. Incidentally, the size and scale of the project, as well as the limited 'Access' Zone which has been proposed as part of the development, would all but render the strand unsuitable for recreational, sporting and or leisure pursuits.

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.

It may reasonably be argued therefore that should the proposals in question be allowed to go ahead, then such a situation would have profound implications on the locality's ability to sustain its existing tourism trade on which much employment and local businesses depend and that ultimately, this would irrevocably damage West Donegal's wider tourism brand.

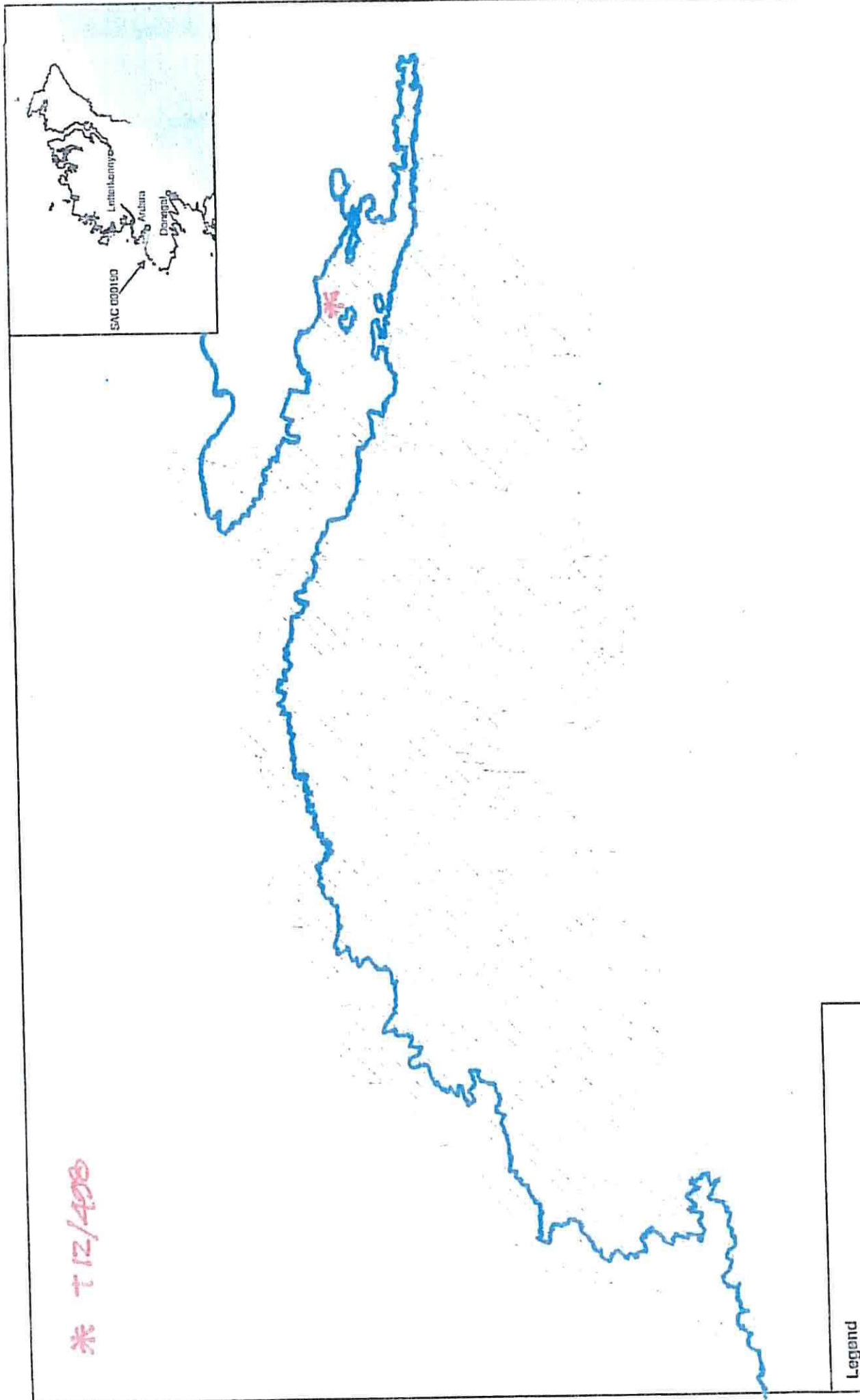
Accordingly, and notwithstanding the very small number of full and part-time jobs which the applicant intends to create as a direct result of their application, the resulting job losses which would arise in both the tourism and hospitality industries would subsequently negate any potential job creation which the project may yield, and would ultimately result in significant employment loss to the area.

In conclusion, my observation regarding the aforementioned application are set out and outlined herein for the due consideration of the Minister concerned.

Signed:

APPENDIX C
Loughros Beg SAC maps 1-7

米 12/408



Legend

Slieve Toomey/Tormore Island/Loughros Beg Bay SAC 000190

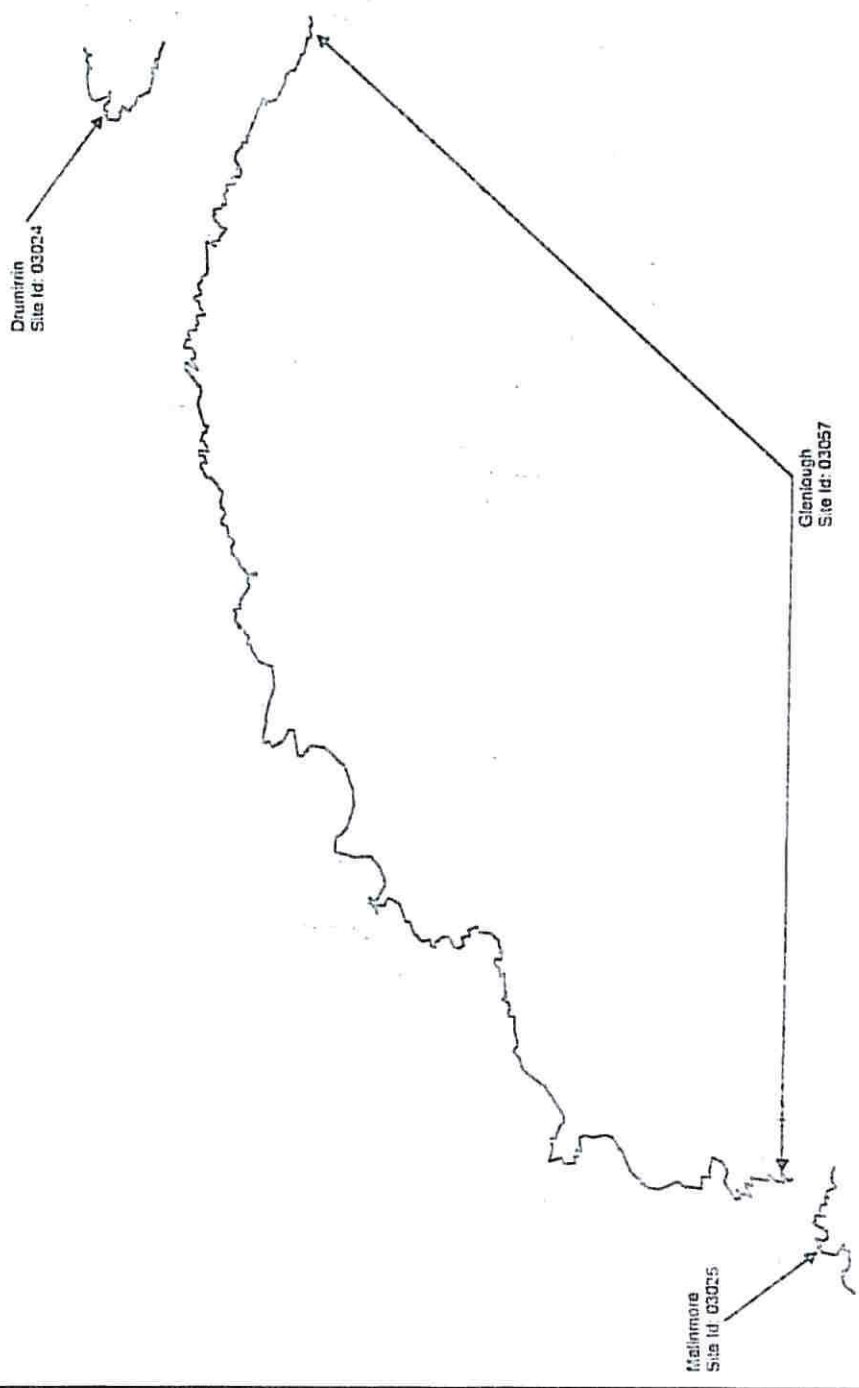
Map 1: Slieve Toomey/Tormore Island/Loughros Beg Bay SAC
CONSERVATION OBJECTIVES
SAC DESIGNATION

SAC 000190; version 1. CO. DONEGAL



Map Version 1
Date: May 2016

This map is a representation of an initiative and does not constitute a statement of fact. The map is a representation of the information available at the time of its preparation. The map is not intended to be used as a basis for any legal proceedings. The map is not intended to be used as a basis for any legal proceedings. The map is not intended to be used as a basis for any legal proceedings.

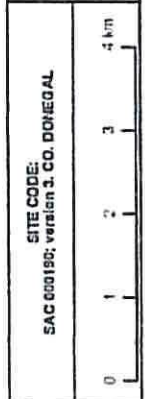


Legend

- Slieve Toomey/Tormore Island/Loughros Beg Bay SAC 000190
- 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts
- OSI Discovery Series County Boundary

Map Version 1
Date: May 2016

The map is a representation of an area of special interest and is not a legal document. It is based on data from the Ordnance Survey of Ireland (a member of the European Survey of Ireland) and other sources. It is not intended to be used for legal purposes. It is not intended to be used for legal purposes. It is not intended to be used for legal purposes.



MAP 3:
SLIEVE TOOMEY/TORMORE ISLAND/LOUGHROS
BEG BAY SAC
CONSERVATION OBJECTIVES
VEGETATED SEA CLIFFS

Map 3 is a representation of an area of special interest and is not a legal document. It is based on data from the Ordnance Survey of Ireland (a member of the European Survey of Ireland) and other sources. It is not intended to be used for legal purposes. It is not intended to be used for legal purposes. It is not intended to be used for legal purposes.

Legend

Slieve Toomey/Tormore Island/Loughros Beg Bay SAC 000180

OSI Discovery Series County Boundary

CMP: 146 Coastal Monitoring Project Site Codes

SDM: 147 Sand Dune Monitoring Project Site Codes

Sand Dune Habitats

Qualifying Interests

2110 Embryonic shifting dunes

2120 Shifting dunes along the shoreline with *Ammophila arenaria* (White dunes)

2150 Atlantic decalcified fixed dunes (*Calluna-Littoralea*)

Non Qualifying Interests

1220 Perennial vegetation of stony banks

2130 *Fixed coastal dunes with herbaceous vegetation (grey dunes)

2170 Dunes with *Salix repens* ssp. *argentea* (*Salix corniculata*)

2180 Fixed dune slacks

SDM: 147

CMP: 202

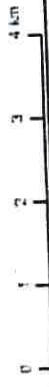
CMP: 146



Map Version 1
Date: May 2016

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SITE CODE:
SAC 000180; version 3, CO. DONEGAL



MAP 4:
SLIEVE TOOMEY/TORMORE ISLAND/LOUGHROS
BEG BAY SAC
CONSERVATION OBJECTIVES
SAND DUNE HABITATS

Map 4 is based on information from the Ordnance Survey and other sources. It is not a legal document and should not be used for legal purposes.

Legend

Slieve Toomy/Tormore Island/Loughrea Beg Bay SAC 000190

1014 Narrow-Mouthed Whirl Snail - *Vertigo angustior*

OSI Discovery Series County Boundary



OSI
Discovery Series
County Boundary

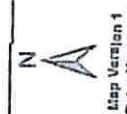
MAP 6:
SLIEVE TOOMEY/TORMORE ISLAND/LOUGHREAS
BEG BAY SAC
CONSERVATION OBJECTIVES
NARROW-MOUTHED WHIRL SNAIL

Map is subject to copyright laws for NPS/C. Copyright reserved

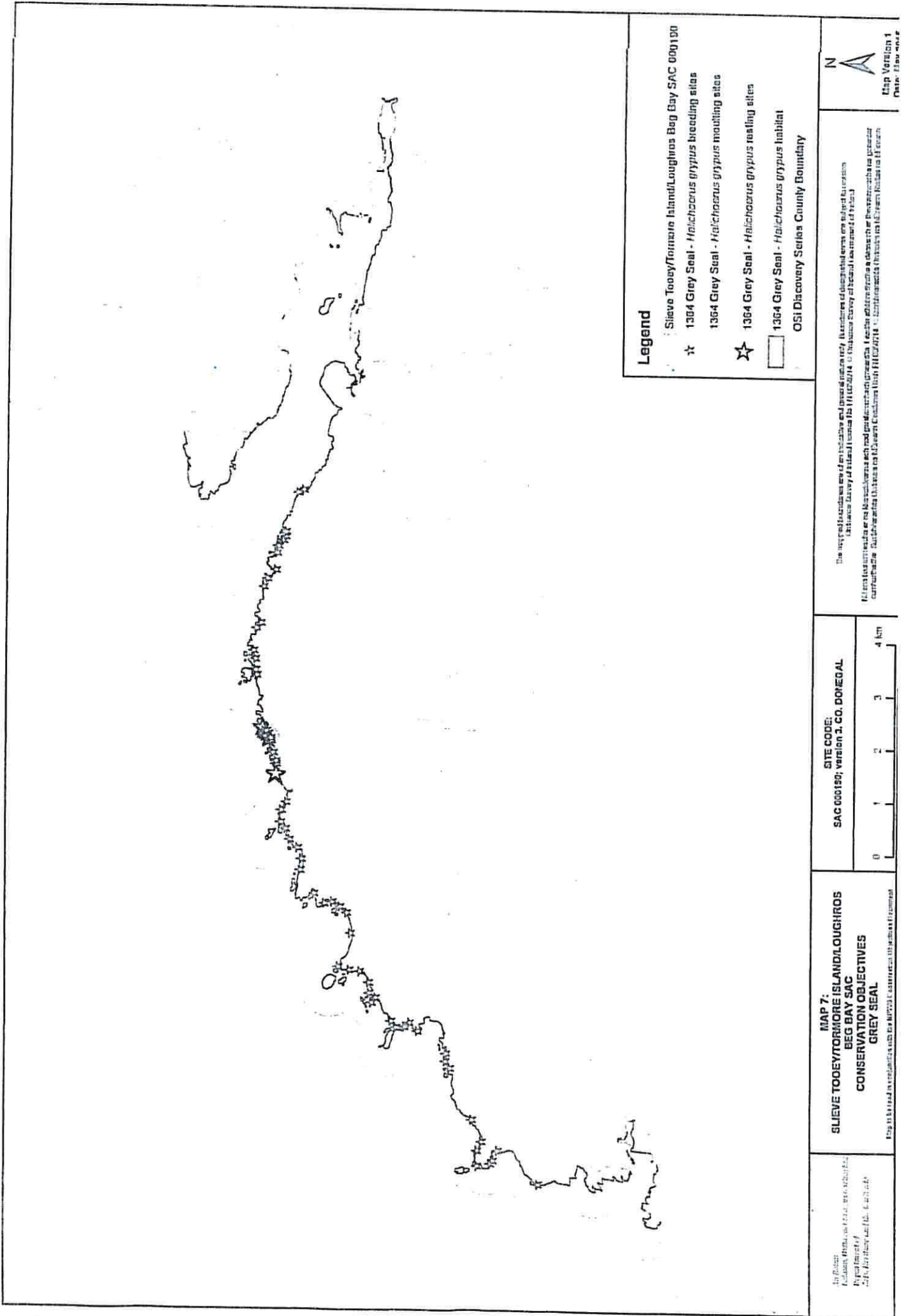
SITE CODE:
SAC 000190; Version 1.0; DOWDAL

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The map is based on aerial photography and ground survey data. Boundaries of conservation areas are defined by the
National Heritage Act 1995 and the National Heritage Act 2004. The map is based on the latest available data.
All data for this map is based on the latest available data. The map is based on the latest available data.
The map is based on the latest available data. The map is based on the latest available data.



Map Version 1



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SITE CODE:
SAC 000190; version 2.0; DOMEAL

MAP 7:
SLIEVE TOOMEY/TORMORE ISLAND/LOUGHROS
BEG BAY SAC
CONSERVATION OBJECTIVES
GREY SEAL

Map 7: Slieve Toomey/Tormore Island/Loughros Beg Bay SAC
Conservation Objectives
Grey Seal

APPENDIX D

The Twite Study

lorraine maquet
Twite bird
4 Sep 2018 at 11:16:34
Sheila McFerran

The twite *Carduelis flavirostris* is one of only three passerine species on the Red List of Birds of Conservation Concern in Ireland. The national population is estimated at between 54 and 110 breeding pairs with an estimated minimum of 650 – 1100 birds in winter. Therefore, breeding twite can be categorised as being 'Endangered' using the IUCN criteria for the categorisation of Red List species and are thus considered to be facing a 'very high risk of extinction in the wild' in Ireland. Due to the precarious situation regarding the twite breeding population in Ireland, it is vital that land management prescriptions and species policy now focus on their conservation.

The implementation of successful conservation plans for bird species can often be complicated due to the large areas the species may cover between the winter and summer seasons. In the case of twite however, due to the sedentary nature of our population, conservation action plans focused in the areas they occur have the potential to be highly successful in targeting both breeding and wintering populations. (McLoughlin, 2011)

In this document, McLoughlin refers to Loughros point as one of the few breeding grounds for the twite bird and as an area which they wish to further develop as twite breeding ground. This can be seen on the maps attached.

Table 3. General locations of proposed target wintering areas in Mayo and Donegal. An extra site should be considered at Glencolumbkille, Co. Donegal.

Site no.	Mayo	Donegal
1	Carrowteige/Rossport	Aran Island
2	Ballyglass	Crohy Head/Maghera
3	Termoncarragh	Sheskinmore
4	Cross Pt. / Elly Bay	Loughros Point
5	Blacksod/Surge View	Malin Beg
6	Doogort	
7	Doonega	

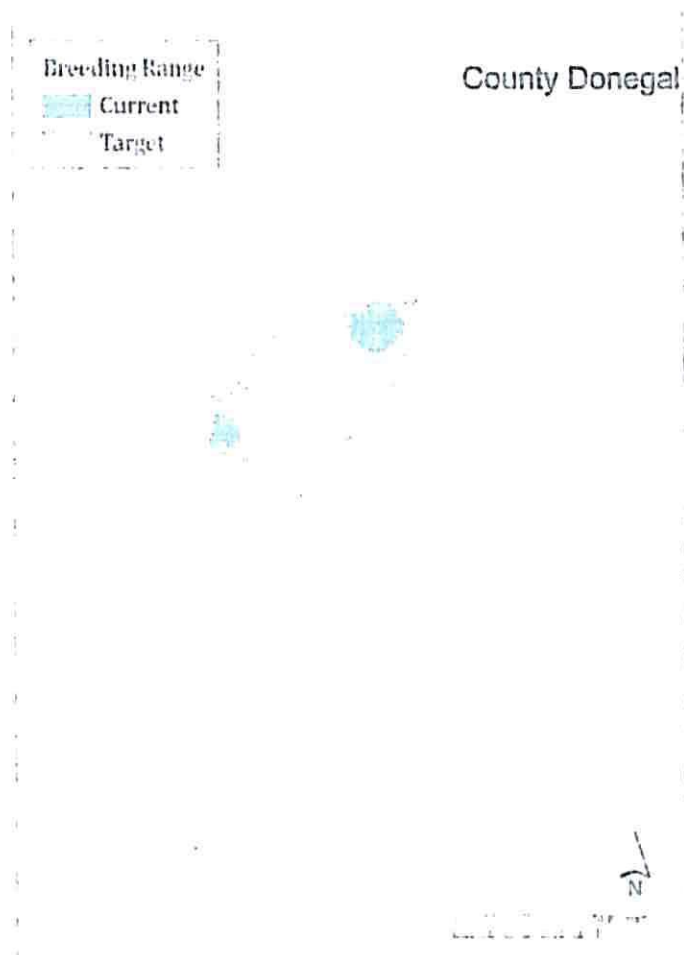


Figure 4. Current breeding range for twite in west Co. Donegal with 'Target' areas for potential range expansion also shown. The target range includes all areas between the Glencolumbkille and Maghera breeding areas and stretches as far south as Teelin Bay.

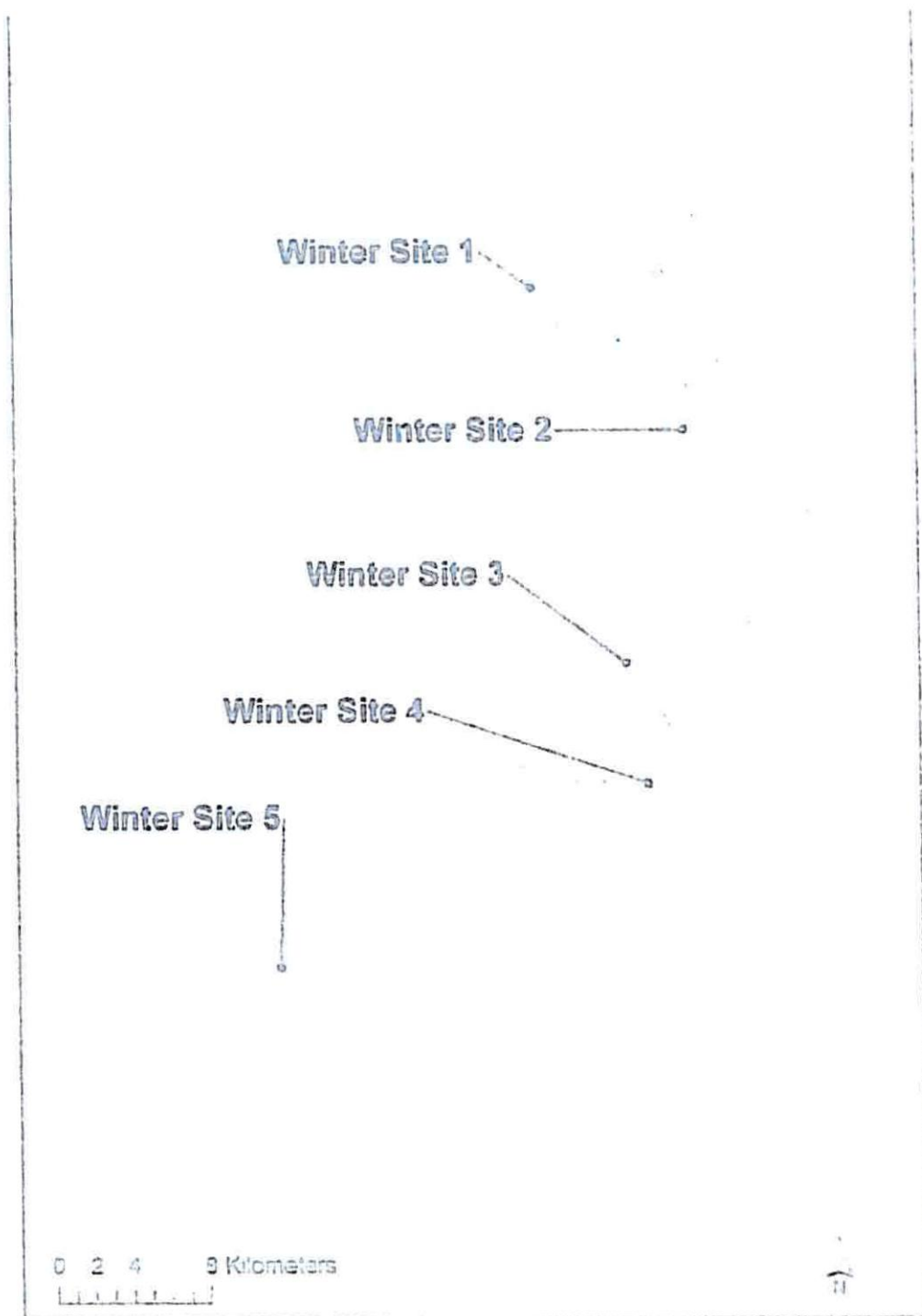


Figure 6. Proposed locations of winter season sacrificial feeding plots in Co. Donegal.

"In addition to the need to consider any potential impacts of aquaculture on Natura 2000 sites (i.e. SACs under the Habitats Directive and SPAs under the Birds Directive), the aquaculture licensing process and subsequent monitoring processes should take account of the continuing legal obligation to avoid, in such sites, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant. Further, in respect of species listed on Annex IV to the Habitats Directive - including otters and cetaceans, for example – it is prohibited, without a licence, to (amongst other things): deliberately capture or kill any specimen of these species; deliberately disturb these species, particularly during the period of breeding, rearing, hibernation and migration; or damage or destroy a breeding site or resting place of these animals. "Deliberately" has been interpreted very broadly by the European Court of Justice for these purposes, to include proceeding having accepted the possibility of a prohibited act being committed. Thus, it would be an offence to, for example, capture or kill an otter in an aquaculture facility (e.g. through entanglement and drowning) having accepted the possibility that this might happen.

As a more general point, in 2007 Ireland was found in breach of EU law by the European Court of Justice for failing to ensure that aquaculture projects likely to have a significant effect on Natura 2000 sites, either individually or in combination with other projects, are made subject to an appropriate prior assessment. This is a major concern which remains to be fully addressed." Antaisce.org(2018)

References:

McLoughlin, D.T. (2011) Management prescriptions for twite in Ireland. Irish Wildlife Manuals, No. 52. National Parks and Wildlife Service, Department of the Environment, Heritage and Local Government, Dublin, Ireland.

Antaisce.org. (2018). *Fish Farms & Aquaculture - The National Trust for Ireland - An Taisce*. [online] Available at: <http://www.antaisce.org/issacs/fish-farms-aquaculture> [Accessed 2 Sep. 2018].

Hi Sheila

Another bit of work on the endangered bird the twite. I spoke to Derek McLoughlin he did a study a few years back on this bird and our national school got involved. Might be of help.

Lorraine

APPENDIX A

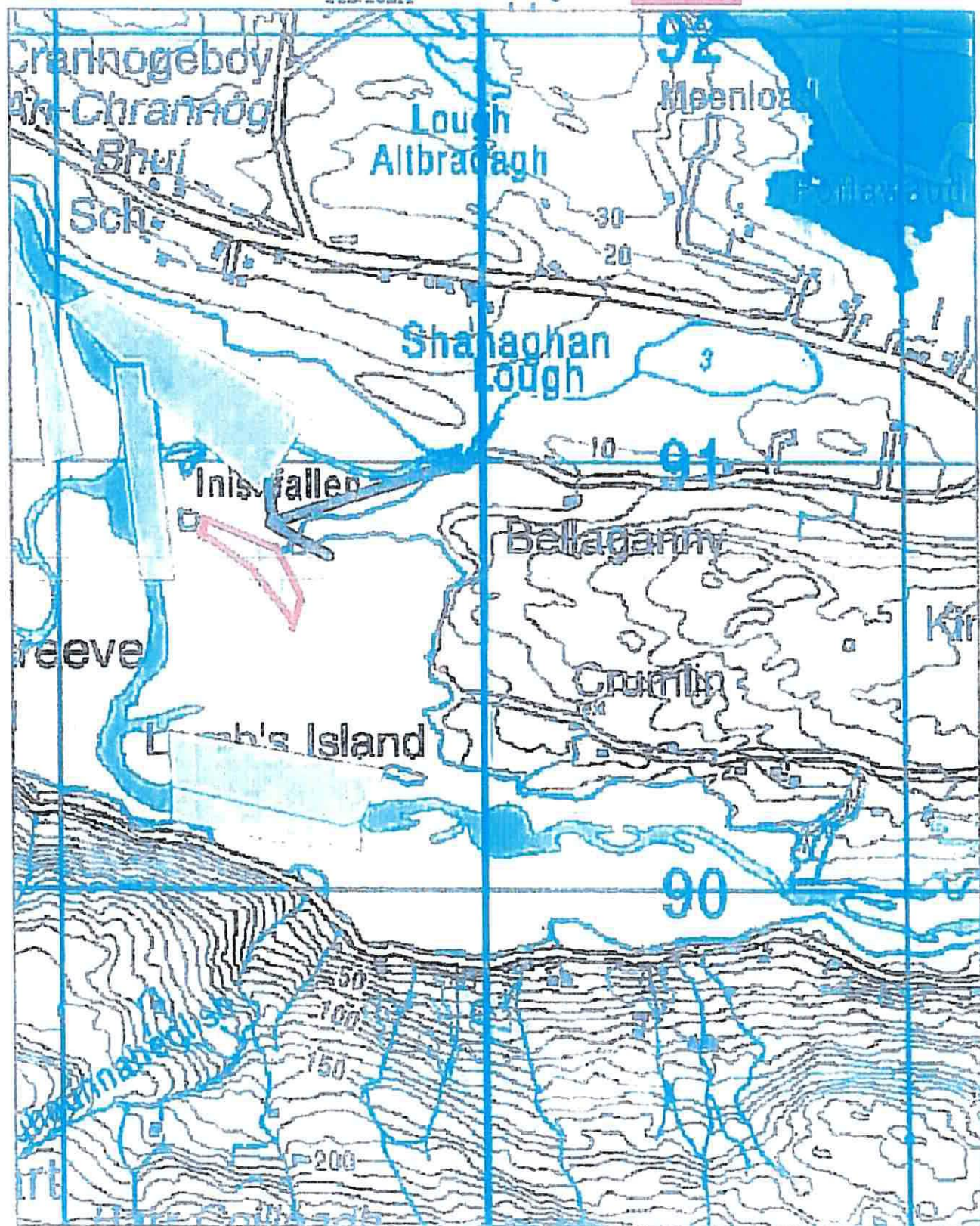
Maps of the Applications showing access routes are all from Laconell except for Application T12/498 which is from Ballyganny.

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Aquaculture,
Fisheries and Food
Sciences
Tamil Nadu
University**

SITE ACCESS
T12/162A

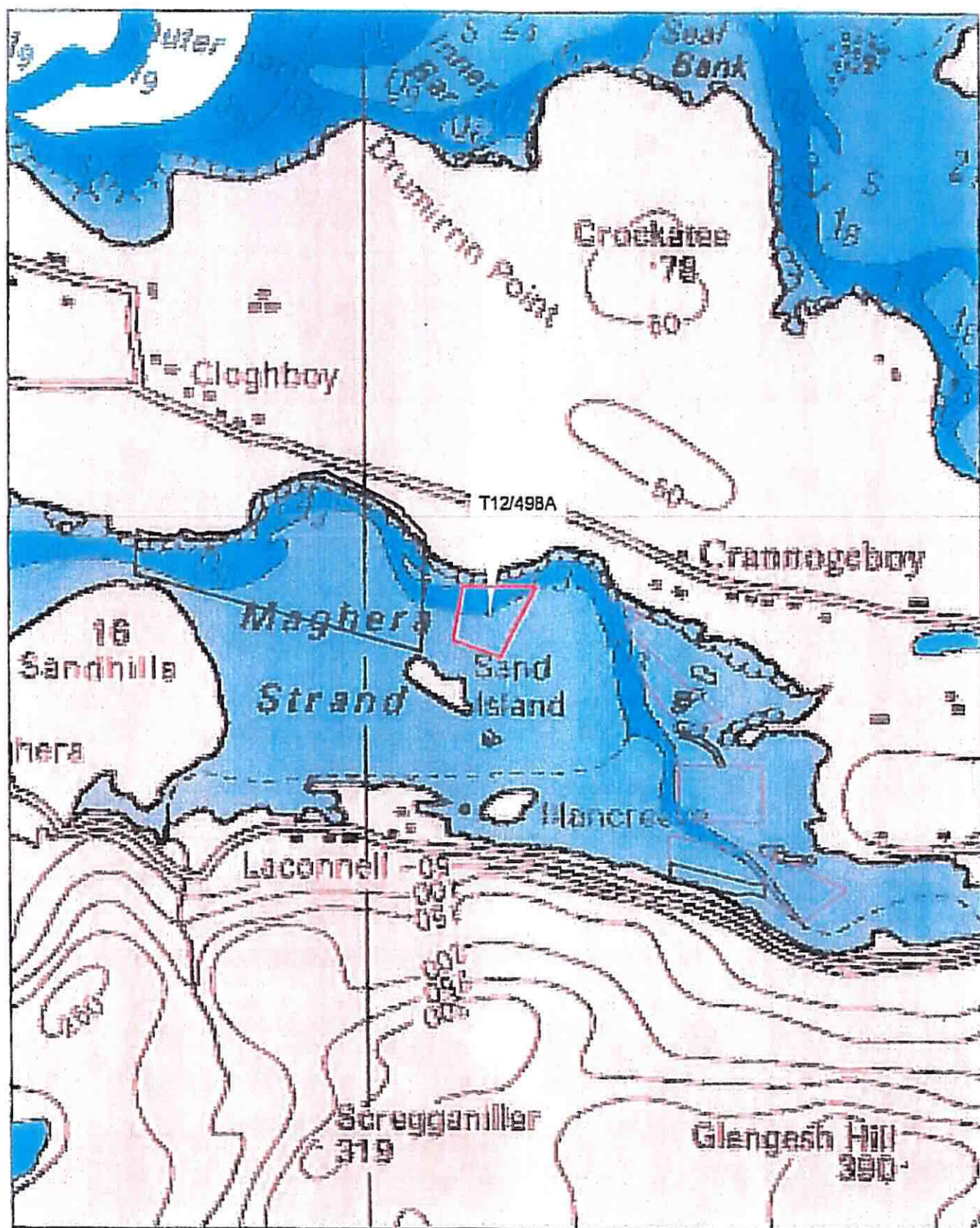


SITE



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T12/162



Aqua Culture Sites
mifhahvachv

Site Status

- Application
- Leased
- Licensed
- Refused
- Revised
- Revoked
- Surrendered
- Withdrawn

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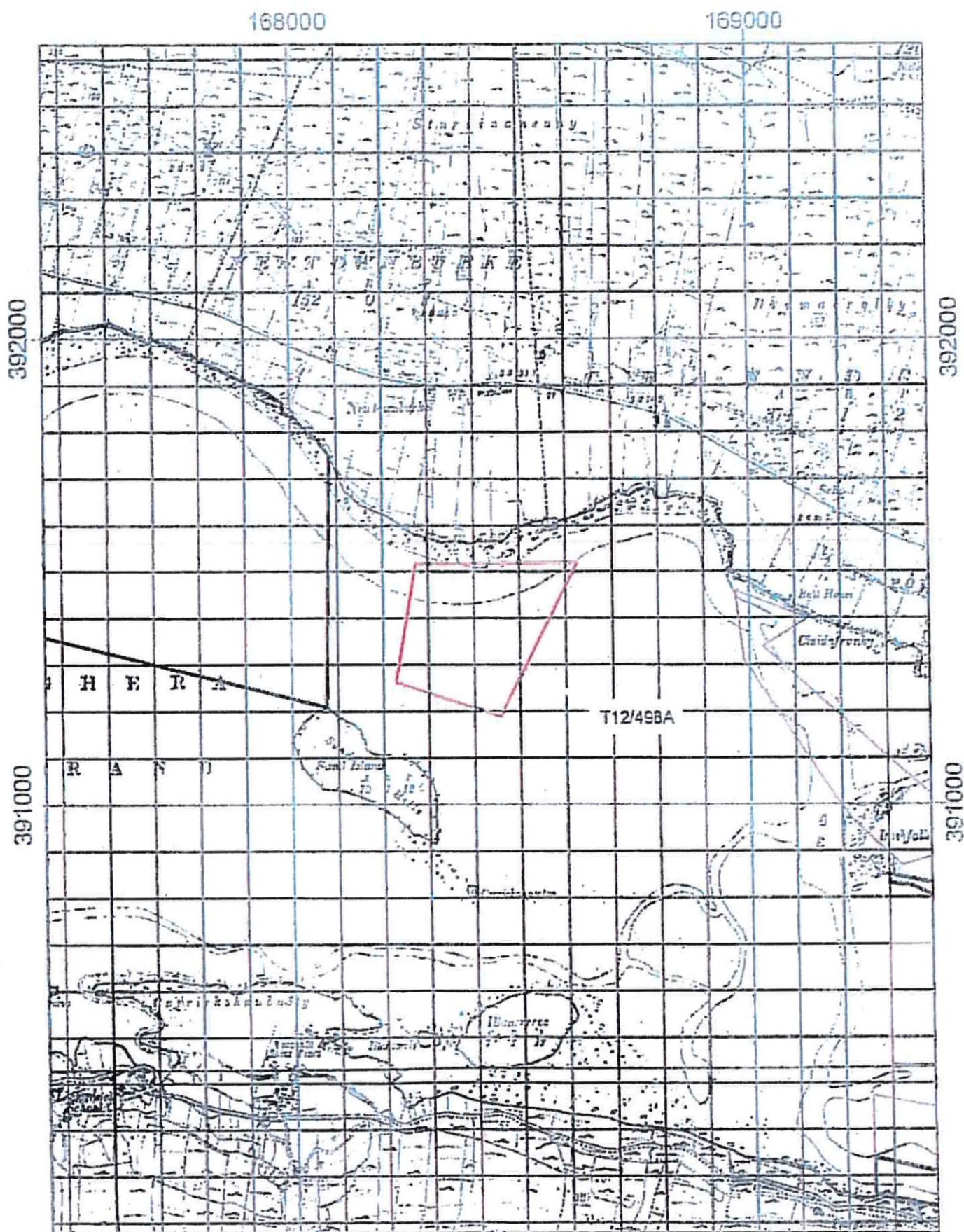
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Sites highlighted in red denotes Application



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Bia agus Mara



Aqua Cultura Sites

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Site Status

- Application
- Licensed
- Licensed
- Renewed
- Renewed
- Surrendered
- Withdrawn
- 100 Meter Reference Grid

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DESCRIPTION

SUMMARY

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DL073 DL082

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Charles Feltz at Villanova, Billy Aron, Chair, I (L)
(copied and published) Executive Barry

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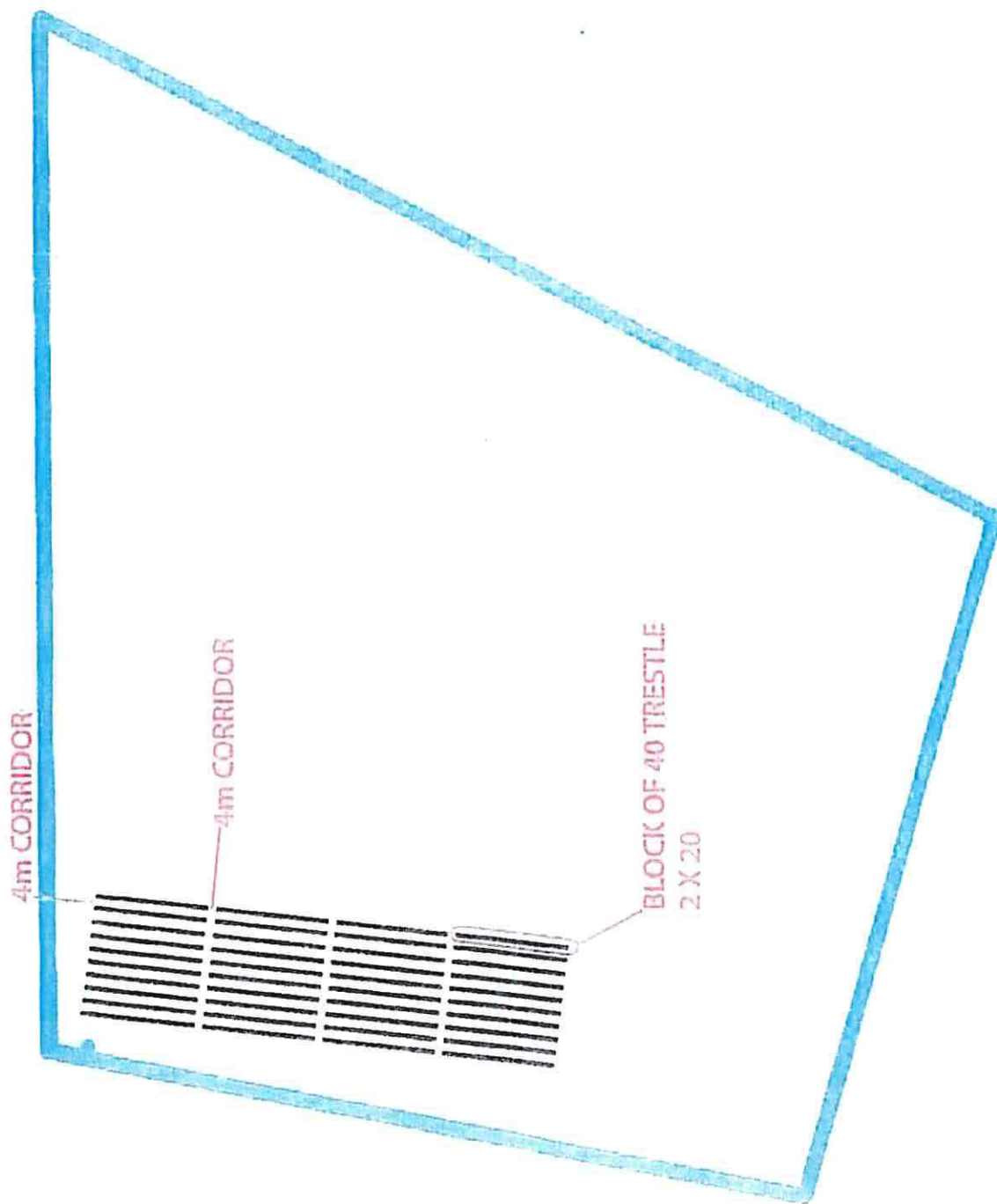
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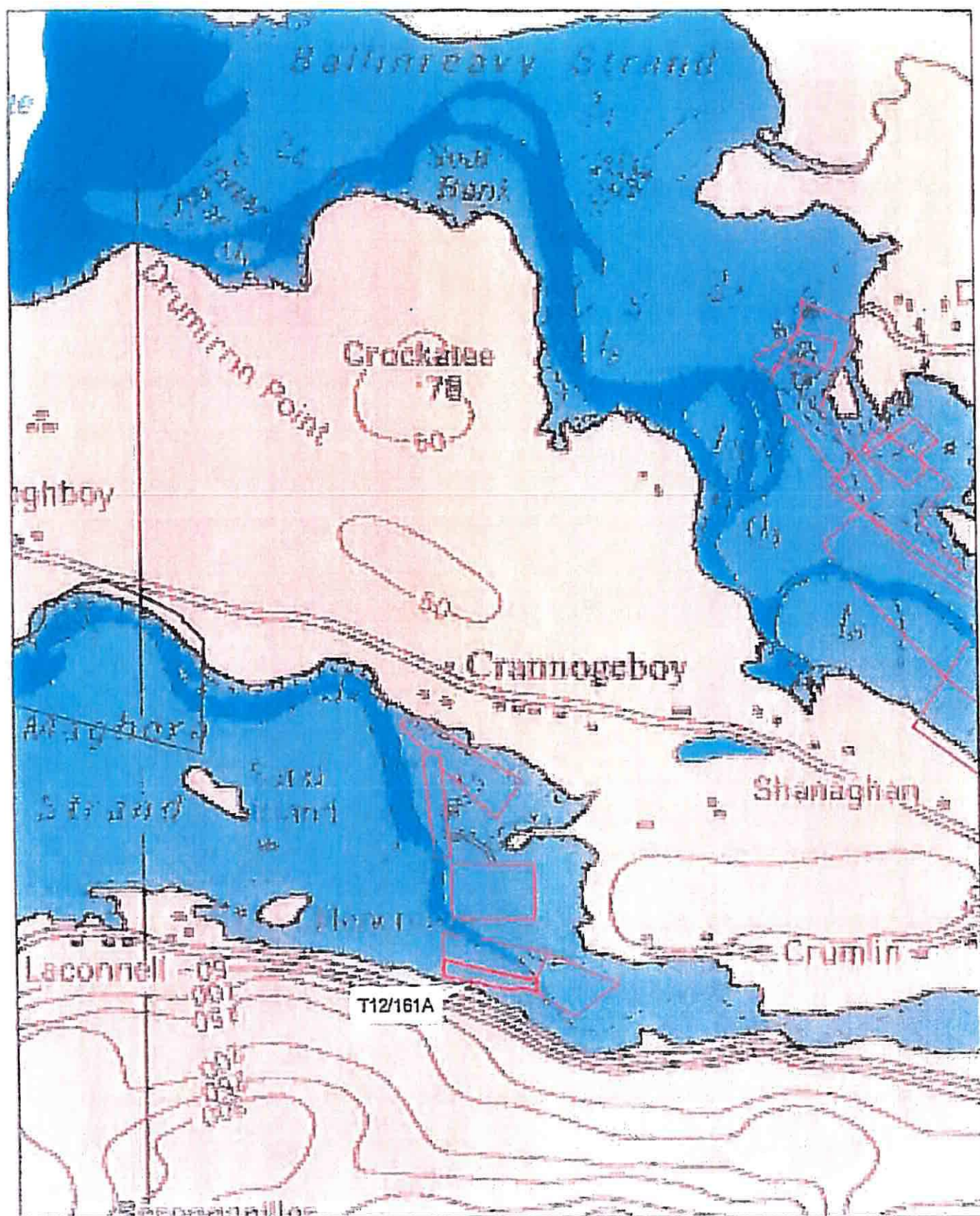
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Historic Map



Scale:- 1:200
Scale:- 1:200

523



<h3>Senior Children's Library</h3> <h4>Site Contact</h4>	
	Application
	Application to build
	Application to fund
	Application Plans and
	Workflow
	Letter to ALEP
	Letter to PLEP
	Letter to PLEP (revised)
	Letter to
	Letter to

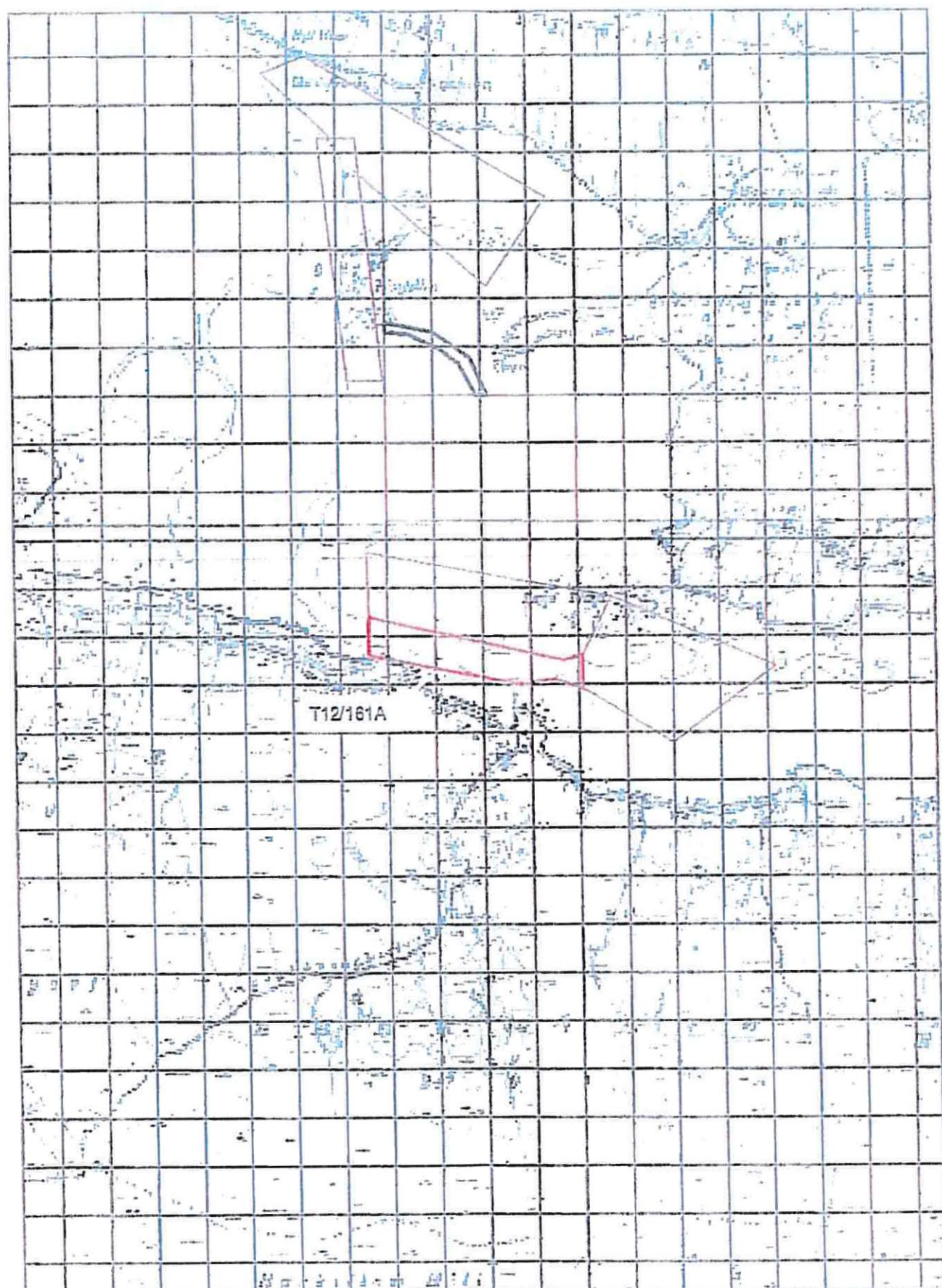
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Aqua Culture Site

Site Status



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REF 112/101H

ACCESS ROUTES
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map

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RAFT ACCESS

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Access Routes

Tractor Access

Raft Access

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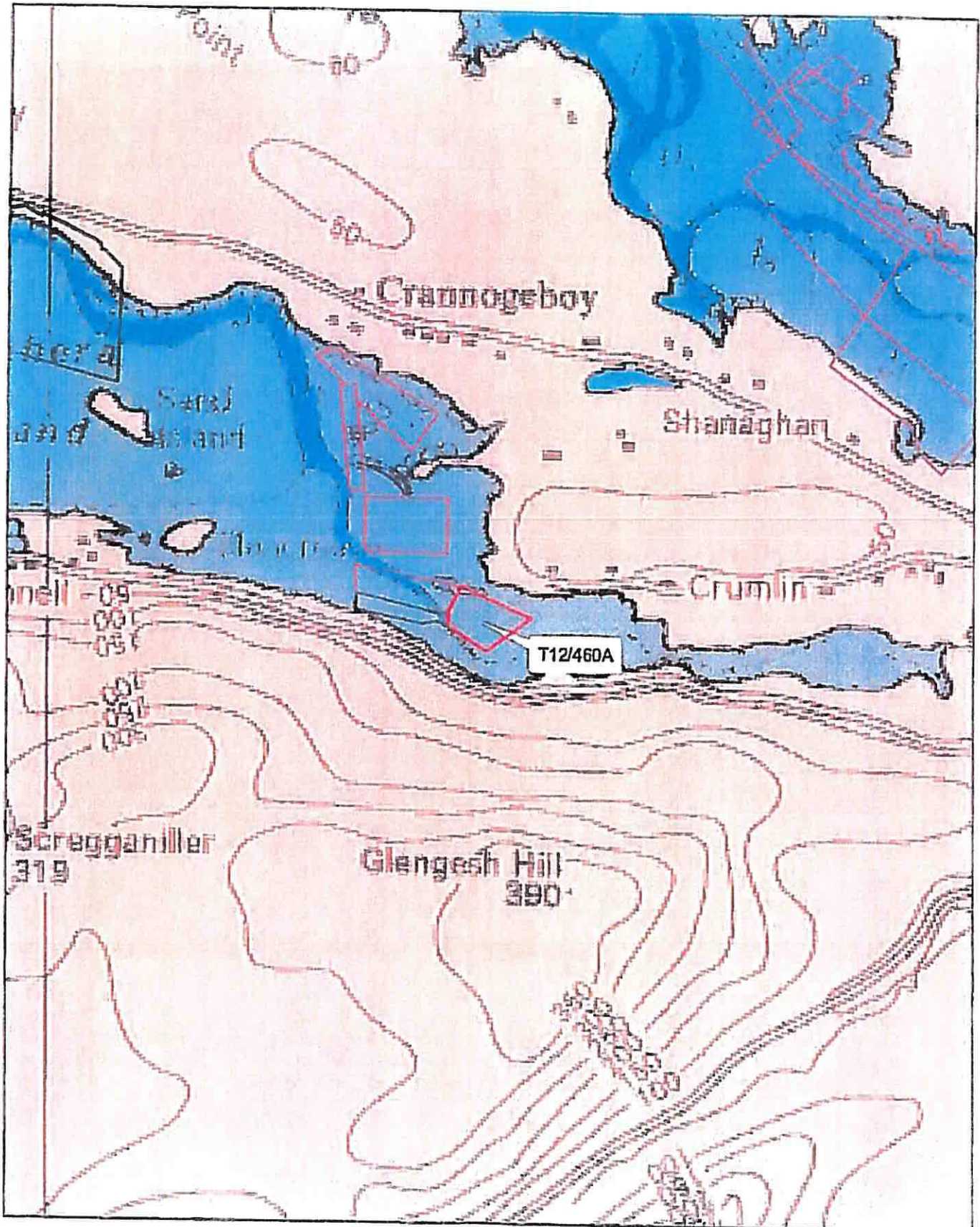
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Tullaghan, Co. Wick



Aquaculture Sites

Site Status

- Application
- Application Granted
- Application Refused
- Application Pending
- Withdrawn
- License Awarded
- License Revoked
- License Surrendered
- License Expired
- License Suspended

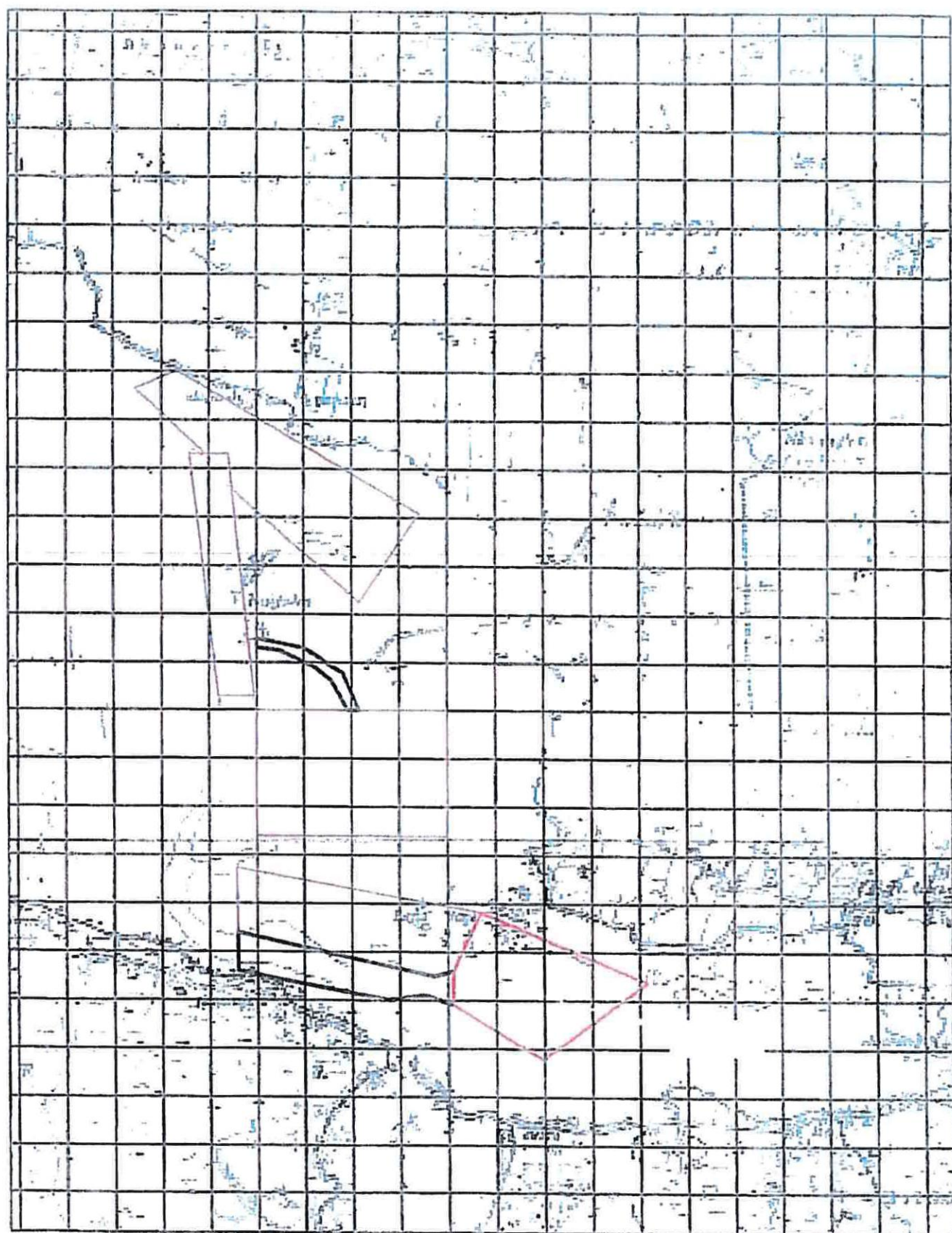
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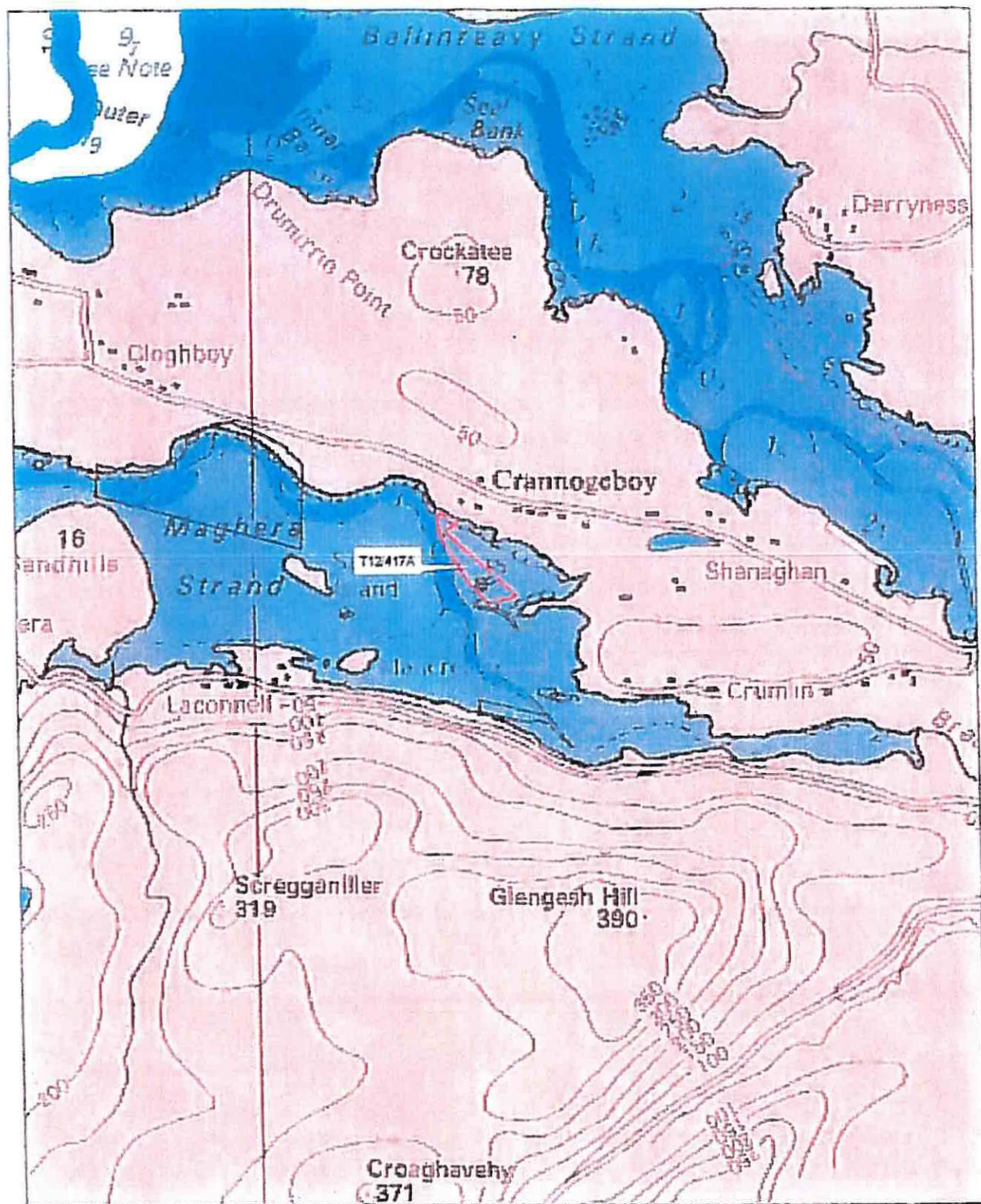
Aquaculture Sites

Site Status

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- Application Refused
- Application Revoked
- Validated
- Licence Altered
- Licence Revoked
- Licence Surrendered
- Suspended
- Inactive
- Unlicensed



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Bia agus Mara



Aquaculture Sites
 All other colours
 Site Status
 Application
 Licensed
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 Pending
 Revoked
 Surrendered
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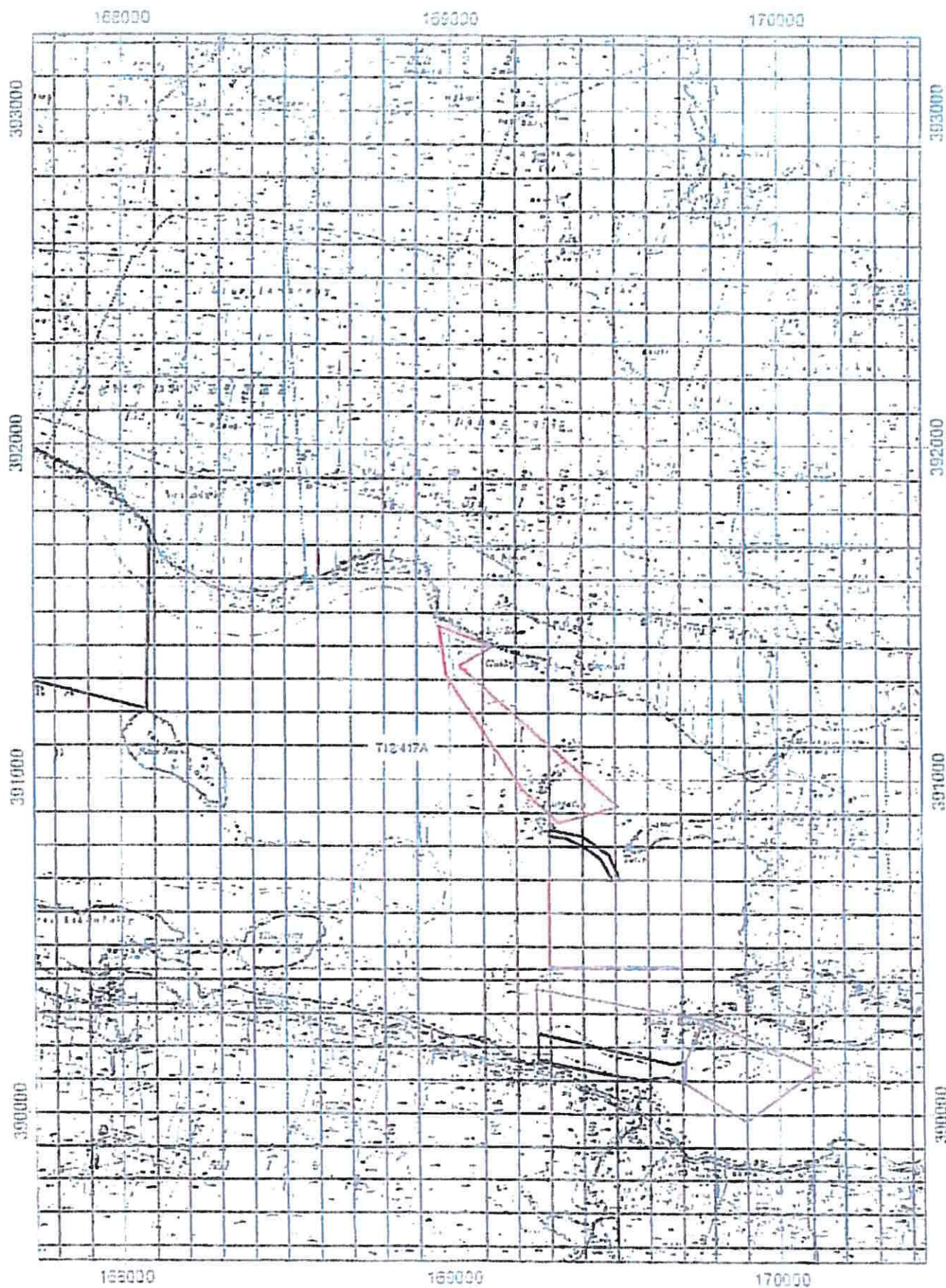
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**Talmhaíochta,
 Bia agus Mara**



Aquaculture Sites

Legend

Application

Approved

Refused

Revoked

Water Level

Wind Area

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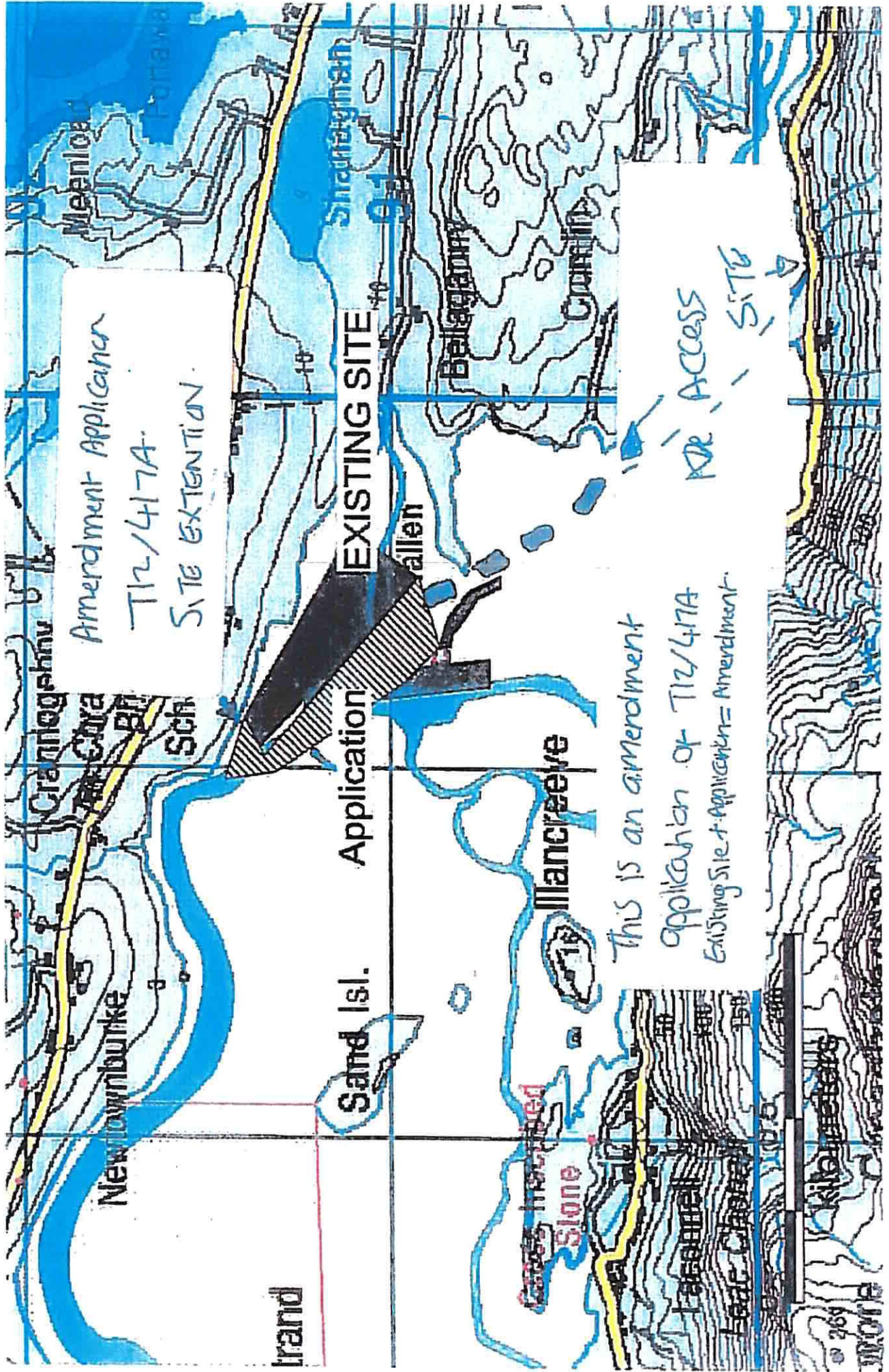
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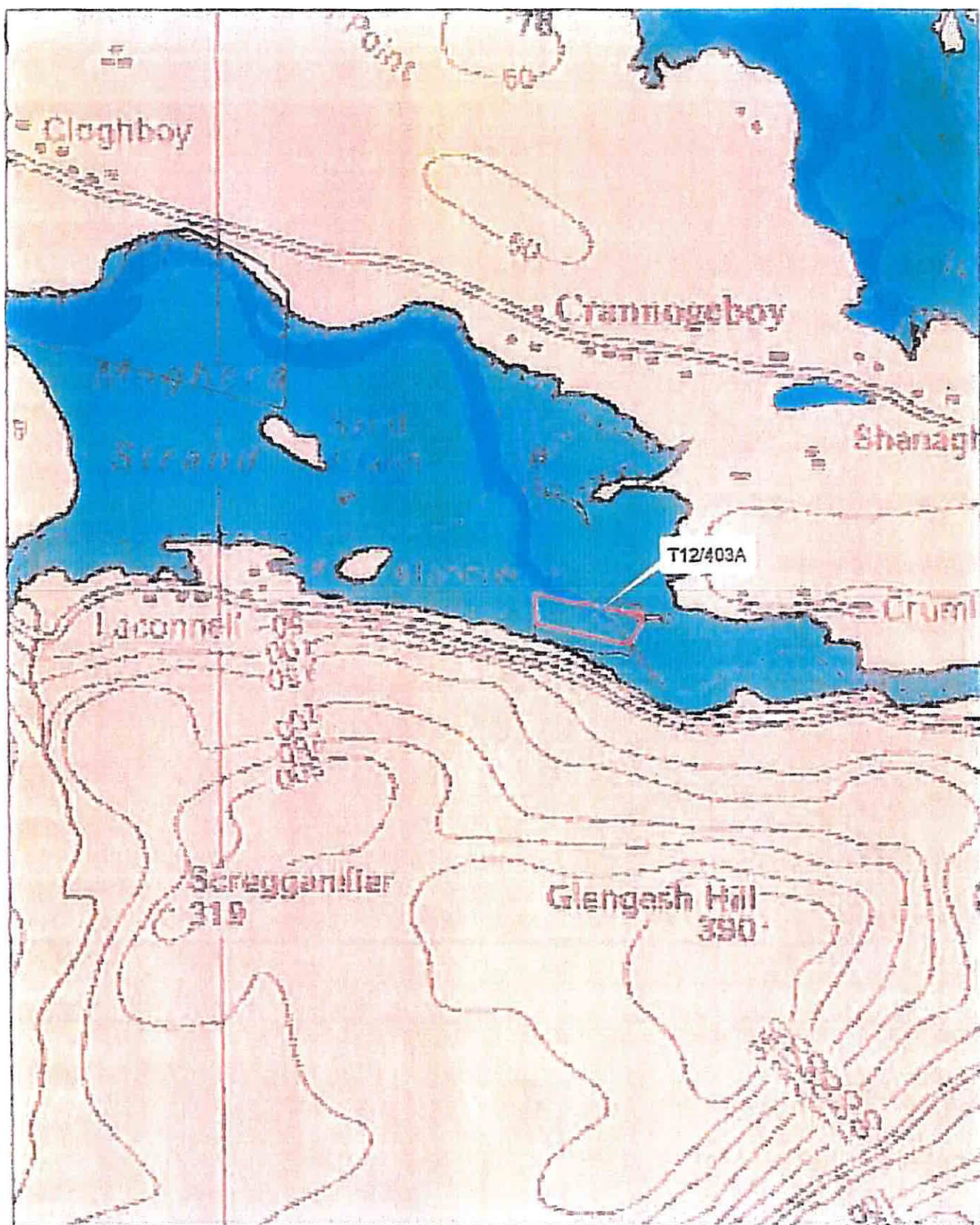
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Aqua Culture Sites

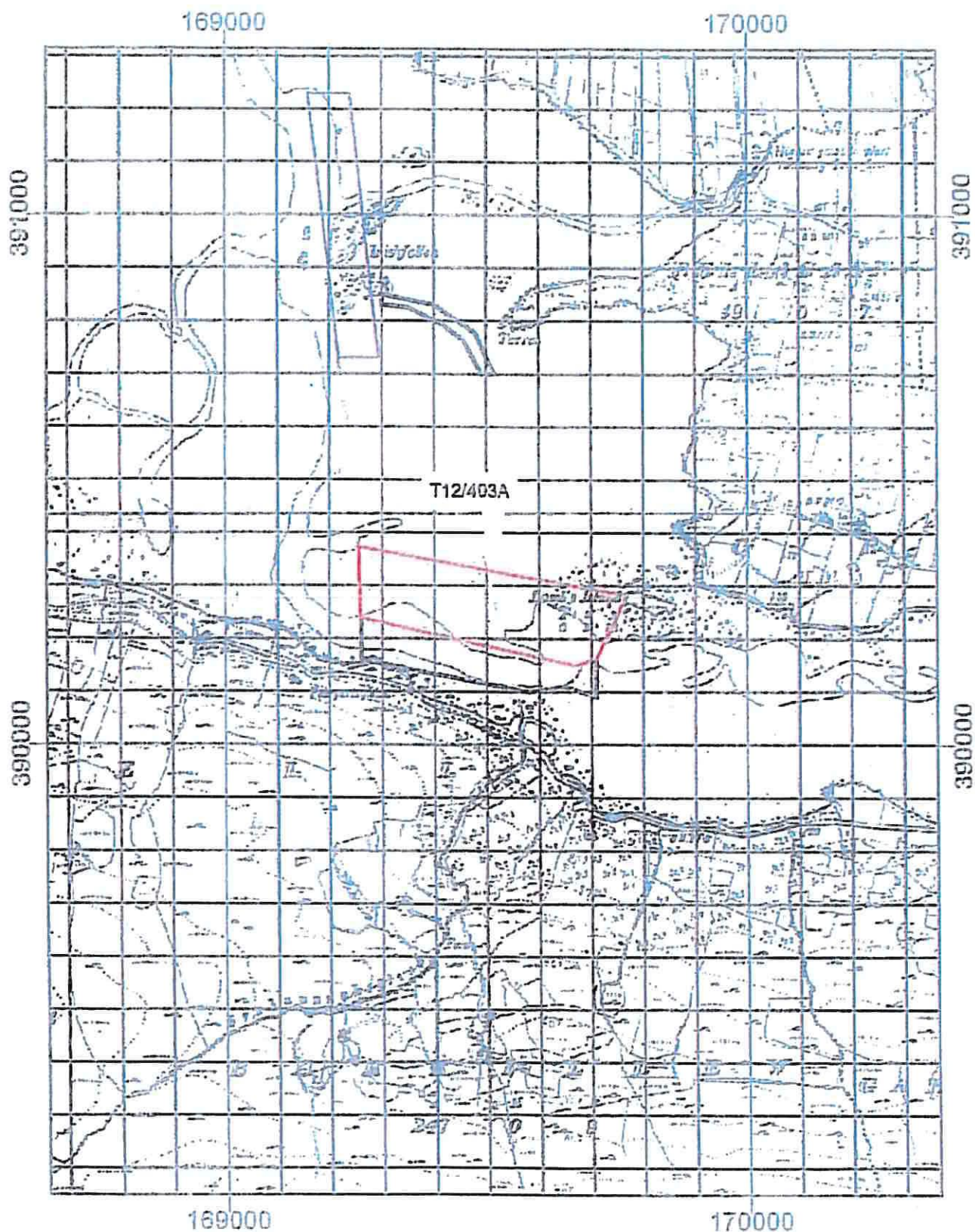
Site Status

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- Application Refused
- Application Withdrawn
- License Awarded
- License Revoked
- License Surrendered
- Licensed
- Other Fishery Code
- Unknown
- Withdrawn

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Aqua Culture Sites

Site Status

- Application
- Application Lapsed
- Application Refused
- Application Revoked
- Application Withdrawn
- Licence Allocated
- Licence Revoked
- Licence Surrendered
- Licence
- Cystic Fishery Zone
- Unlicensed
- Unlicensed
- 100 Meter Exclusion Zone

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