



Submission re AP25/2019 Francis Gallagher

T12/405

Paul Boyle (for and behalf of
Loughrosmore SAC conservation
group)

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



Appeal Form

**Please note that this form will only be accepted by REGISTERED POST
or handed in to the ALAB offices**

Name of Appellant (block letters)	PAUL BOYLE (FOR AND ON BEHALF OF LOUGHROSMORE SAC CONSERVATION GROUP)		
Address of Appellant	DERRYNESS, ARDARA, CO. DONEGAL		
Phone:		Email:	
Mobile:		Fax:	

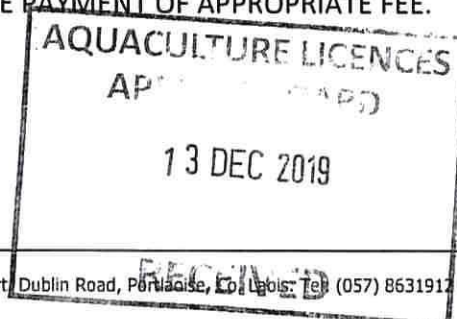
Fees

Fees must be received by the closing date for receipt of appeals		Amount	Tick
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.			
(Cheques Payable to the Aquaculture Licences Appeals Board in accordance with the Aquaculture Licensing Appeals (Fees) Regulations, 1998 (S.I. No. 449 of 1998))			
Electronic Funds Transfer Details	IBAN: IE89AIBK93104704051067	BIC: AIBKIE2D	

Subject Matter of the Appeal

INFORMATION IN SUPPORT OF THE MINISTERS DECISION **NOT TO GRANT** AQUACULTURE LICENCES NO.S T12/405 ON THE INTERTIDAL FORESHORE AT LOUGHROS MOR BAY, ARDARA, CO. DONEGAL

PLEASE SEE ATTACHED PRINT-OUT EVIDENCING ON-LINE PAYMENT OF APPROPRIATE FEE.



Site Reference Number:- (as allocated by the Department of Agriculture, Food and the Marine)	T12/405
Appellant's particular interest in the outcome of the appeal:	
<p>THE LOUGHROSMORE SAC CONSERVATION GROUP IS A GROUP COMPRISED OF RESIDENTS OF DERRYNESS, ARDARA AND SURROUNDING AREAS WHO'S GOAL IS TO PRESERVE THE STATUS OF THE SAC AND SURROUNDING SPA ENVIRONMENT AND TO ENSURE THE SAFE AND CONTINUED USE OF LOUGHROS MOR BAY FOR ALL STAKEHOLDERS. WE HOLD GENUINE CONCERNS THAT THE GRANTING OF ANY LICENCES WITHIN LOUGHROS MOR BAY WILL POSE AN ENVIORNMENTAL RISK WHICH REQUIRES MUCH GREATER EVALUATION AND CONSIDERATION E.G. THE DISRUPTION TO FEEDING GROUNDS FOR ENDANGED SPECIES, DISPLACEMENT OF EXISTING BUSINESS VENTURES, OBSTRUCT AND CURTAILMENT OF THE ACCESSIBILITY AND ENJOYMENT OF PUBLIC AMENITIES, AS WELL AS SEVERAL OTHER IMPORTANT FACTORS WHICH WE OUTLINE IN DETAIL IN THE ATTACHED DOCUMENTATION.</p> <p>THEREFORE, WE MAKE THIS SUBMISSION TO ALAB AND REQUEST THAT THE MINISTERS DECISION BE UPHELD.</p>	
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):	
<p>THE GROUP HAS PREVIOUSLY MADE SEVERAL OBSERVATIONS TO THE MINISTER DURING THE CONSULTATION PROCESS WHICH WERE ACKNOWLEDGED AND UPHELD BY THE MINISTER. THESE ARE SUMMARISED AND RESTATED IN THE ATTACHED DOCUMENTS.</p>	

Signed by appellant:

Date:

10/12/2019

**Please note that this form will only be accepted by REGISTERED POST
or handed in to the ALAB offices**

Fees must be received by the closing date for receipt of appeals

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.

DATA PROTECTION – the data collected for this purpose will be held by ALAB only as long as there is a business need to do so and may include publication on the ALAB website

Extracts from Act

40.—(1) A person aggrieved by a decision of the Minister on an application for an aquaculture licence or by the revocation or amendment of an aquaculture licence may, before the expiration of a period of one month beginning on the date of publication in accordance with this Act of that decision, or the notification to the person of the revocation or amendment, appeal to the Board against the decision, revocation or amendment, by serving on the Board a notice of appeal.

(2) A notice of appeal shall be served—

(a) by sending it by **registered post** to the Board,

(b) **by leaving it at the office of the Board**, during normal office hours, with a person who is apparently an employee of the Board, or

(c) by such other means as may be prescribed.

(3) The Board shall not consider an appeal notice of which is received by it later than the expiration of the period referred to in subsection (1)

41.—(1) For an appeal under *section 40* to be valid, the notice of appeal shall—

(a) be in writing,

(b) state the name and address of the appellant,

(c) state the subject matter of the appeal,

(d) state the appellant's particular interest in the outcome of the appeal,

(e) state in full the grounds of the appeal and the reasons, considerations and arguments on which they are based, and

(f) **be accompanied by such fee**, if any, as may be payable in respect of such an appeal in accordance with regulations under *section 63*, and

shall be accompanied by such documents, particulars or other information relating to the appeal as the appellant considers necessary or appropriate.

Loughrosmore SAC Conservation Group (the "**Group**")
C/O Paul Boyle
Carn
Ardara
Co Donegal

To : Aquaculture Licensing Appeals Board ("ALAB")
Kilminchy Court,
Dublin Road,
Portlaoise,
Co Laois.

10/12/2019

RE: Appeal to ALAB to uphold the Minister Michael Creed's decision to refuse Aquaculture Licences to Francis Gallagher (the "*Appellant*") pursuant to licence application numbers T12/405 at Loughrosmore Estuary, Ardara, Co Donegal.

Dear Chair and Board of ALAB.

We note from your website that the Appellant has lodged an appeal to ALAB in respect of Minister Michael Creed's decision not to grant licences in respect of the afore mentioned applications. We, as a community conservation group made several observations at the initial public consultation process stage which should be included in the Department of Agriculture, Food and Marine ("DAFM") records. I re-attach my personal submission to the DAFM at the time of public consultation (in the form of Appendix 2). We are opposed to the granting of aquaculture licences at the above sites and in the Loughrosmore estuary in general for the following reasons;

1. A very significant portion of this application would displace the current salmon draft net fishery in existence. This fishery is currently suspended for conservation reasons **only** but will re open if a surplus of salmon returns to the Owenea fishery and we would reject the appellants claim that it would be "highly unlikely" that draft net fishing will ever return. This fishery employs 40 local fishermen during the summer period. We believe that ALAB cannot licence oyster trestles for this area as this is a right enjoyed by local families for over one hundred and fifty years. It is worth pointing out that the appellant is of the view that it is totally acceptable to displace a traditional local salmon fishery. Inland Fisheries Ireland ("IFI") are the regulating authority in this regard and we believe that it is imperative that their counsel and opinion is sought in respect of this aspect of the appeal. IFI have detailed maps showing the defined salmon fishery under local by-laws. The Group supplied maps at the public consultation phase which should be with the DAFM file related to this application. IFI also submitted this information during the public consultation phase. We also attach a

letter from Letter from Donegal G.A.P. Heritage & History Group attached as Appendix 5 hereto.

2. We argue that a full and detailed appropriate assessment coupled with a detailed bird survey needs to be undertaken in relation to Sheskinmore SPA which straddles the Loughrosmore estuary. This SPA for birds is a very important protected site for various vulnerable bird species. The estuary is an important feeding area for nesting and migratory birds. The neighbouring estuary (the Loughros Beg estuary) has a very significant oyster trestle footprint which has already greatly diminished the feeding grounds available to the various bird species. The Loughrosmore estuary subject to this appeal is also frequented by Bar Tailed Godwits and Curlews. There are often 30 to 40 Curlews present making this a site of national importance. There are only 300 nesting pairs of Curlews in Ireland and they face the possibility of extinction. Loughrosmore Estuary is therefore a critical feeding and nesting area for this species. ALAB should be aware that waders of all species migrate throughout the estuary during tide cycles and tide stages.
3. Hen Harriers also use the shores of the estuary for hunting purposes and can be seen there on a regular basis. This is known to the National Parks and Wildlife Service ("NPWS"). As part of any assessment, an appraisal of any adjacent SPA's or offshore island SPA's should be undertaken to understand any possible impact on bird life and wildlife arising from the proposed aquaculture licences.
4. The appellant has outlined in this appeal that the company intends to use the road known locally as the Ranny Road to access his site. The initial access point shown during the public consultation phase was a private road accessed via the L7773. Permission to use this initial access road was neither requested from nor granted by the owners of this road and indeed representations were made at such time by the road owners that access would not be granted for any aquaculture activity.
5. As part of the appeal to ALAB, access is now indicated as being solely via the Ranny road. This road is used for access by local farmers and landowners for the harvesting of turf and the grazing / movement of livestock as well as a popular walking route for many local residents. Repair and maintenance of this road is the responsibility of all current road users who have rights to use the road with occasional local grants provided to defray the cost of such maintenance. The road is framed by two gates used by current landowners to contain livestock.
6. The statement made in the appellants submission that "*It (the road) is owned solely by the applicant*" is incorrect and misleading (this misleading information is also provided as part of the appeal in respect of applications T12 397A, T12 397B, T12 397C). The road is in fact owned by all parties with adjacent land to said road and has in the past been subject to legal proceedings to establish the exact rights of all users. It is not a county road. It is also misleading to state that the road "*ends at the shore*" as this is not the case and would be subject to any statutory planning approvals to permit its extension. We would strongly encourage ALAB to establish the legal rights of the Appellant to use this access point for the purposes of commercial aquaculture activities (please see Appendix 3 outlining submission from two users of the Ranny Road and their objections to its use for the purpose of aquaculture activities).

7. There is also a private dwelling at the end of the Ranny Road. The owners of this dwelling live overseas and have no ability to be part of this process. They are also primary stakeholders and owners / regular users of this road and this information has not been furnished to ALAB by the Appellant.
8. There are seaweed access and harvesting rights associated with a significant number of land folio numbers in Derryness (also known locally as Carn). These rights are exercised and are in existence for over 100 years. Much of this application would hinder that existing right. Those within this community reject the Appellants attempt to displace them or render them unuseable. Furthermore, the areas proposed as part of the initial application and this appeal, lie in an area of significant archaeological and historical significance. I attach a detailed summary of this historical and archaeological significance which has been prepared by a member of this Group, Paula Harvey, (BA History and Archaeology, MA Archaeology and Chair, Donegal G.A.P. Heritage and History Group) (in the form of Appendix 4).
9. The DAFM pointed out clearly when rejecting this application that there were serious issues with the sewage treatment plant and outfall pipe for the Ardara sewage scheme. The treatment facility is not up to standard and the outfall pipe is located close to this application and another application subject to an appeal (as observed by the Minister in his reasons for objection). Irish Water is the statutory agency in charge of this treatment plant. Flushing of the bay is also a major issue not addressed in this appeal by the Appellant.
10. The Appellant makes reference to the Sea-Fisheries Protection Authority (SFPA) and the Food Safety Authority of Ireland (FSAI) as being the competent authority in regard to the *"microbiological status of shellfish destined for human consumption"* and that neither entity raised the issue as part of the statutory consultation process. Can ALAB establish if either the SFPA or FSAI were even aware of the application and associated statutory consultation process? Given the Ministers findings in his initial refusal to grant the licences, it is essential that Irish Water, the SFPA and the FSAI are consulted as part of the review process.
11. The estuary is used by local people on a daily basis for myriad activities. Equally, local businesses and individuals use the bay to train and ride horses. Oyster trestles would impede traditional walking routes and in particular put horses and owners at risk of Injury. Observations to this end were made to DAFM during the initial observation phase by Sarah Gildea. We are again raising this issue. We would also note the appellants comments that *"Tramore Strand and Rosbeg are the busiest tourist areas during the summer and are located 6-7km to the North West at the mouth of Loughras (sic) Mor Bay"*. This would suggest that activity at Carn beach / Derryness is limited which is again very misleading. As mentioned, the estuary and associated beaches are a vibrant and busy public amenity enjoyed by many, both local and tourist, all year round.
12. An application of this magnitude would certainly alter the qualifying features of the SAC itself (the mud and sand structures). This would not only impact on the SAC qualifying features but alter the organism community required by the birds in the adjacent SPA. We believe that this merits a full and properly researched study to be undertaken to assess the potential impact.

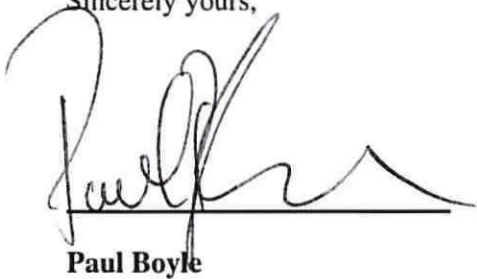
13. There is a significant estuarine rod and line sea trout fishery in the area of the proposed applications. It would be totally impeded if this application were to be granted. The local Owenea Angling Club would be impacted by this and are legitimate stakeholders in this process, being party to a lease agreement with IFI. The Owenea Angling Club made initial observations to DAFM objecting to all oyster cultivation in the Loughrosmore estuary.
14. The Local rowing club have recently been awarded a significant grant to make repairs to St Johns pier in the Loughrosmore Estuary. Oyster trestles would make it impossible for the club to train and carry out normal stakeholder operations. As a conservation group we have children within the community and we are therefore objecting to any oyster cultivation that would impede this club in any way.
15. We believe the Appellant's representations in respect of visual impact are also misleading. The Appellant states that the proposed site is not visible from the discovery point at Glengesh. This is correct but what the appellant fails to state is that there is no view of Loughros Mor Bay from this site. Therefore, this is an entirely misleading statement designed to minimise the actual impact of the proposed developments on the area. As stated in multiple submissions as part of the public consultation and as can be seen in Exhibit C to my initial observations, the proposed sites will be visible from multiple locations along the N56 and for almost the entire length of the L2813 (Loughros Point Road). We are determined to ensure that Loughros More Bay does not befall a fate similar to the smaller and adjacent Loughros Beg Bay, which has suffered greatly from intensive oyster farming and the detrimental aesthetics consequences.
16. The Appellant also states that it would be "*virtually impossible to see any trestles deployed on lower to mid parts of any application 397B, 397C from the Wild Atlantic Way even when exposed at low tide as they would be fully absorbed by the surrounding rocky foreshore*". This is again clearly an attempt to mislead the Board as the positioning shown in the applicants maps and initial application show these two sites to extend well into centre of Loughros Mor Bay.
17. We would also welcome the Appellant's explanation in relation to the statement that "*Oyster farms are fully covered by water for 80% of daylight time*". As you will be well aware, tides do not work on a "daylight" basis and the trestles will be uncovered and visible when the tide is out. In the high of summer and during the peak of the tourism season, sunrise occurs at approx. 5am with sunset occurring at approx. 10pm. The misleading claim that trestles will be covered 80% of the daylight hours is incorrect and would suggest that the tide would be in for approximately 13.6 hours of the 17 hours of daylight. This statement is also contrary to the Ministers findings that "*the oysters would be uncovered for a considerable period of time per tide cycle*". Therefore, it is simply incorrect to state that "*the industry is **entirely invisible** to any potential tourist traversing the Wild Atlantic Way at most times on their journey*".
18. We note significant similarities in the Appellants appeal and the appeal relating to application T12 397A, T12 397B, T12 397C relating to an adjoining site. Will ALAB establish if both parties are co-ordinated in their approach and if so, whether the potential impact of granting both licences will be considered? Also, for the record, the Appellant resides in Tullycleave, Ardara and not Derryneen as stated in both the application and the appeal.

While the Appellant in this case has the right to appeal, we do not believe they have the right to displace existing businesses or negatively impact the adjacent SPA. The estuary is not suitable for oyster cultivation due to the various issues raised above, including but not limited to sewage and water quality, not to mention the Ministers reasons for rejecting the initial applications.

The Appellant states that "*the public consultation process never attracts positive contributors*". It is every citizens right to make whatever observations they so wish as afforded under the various statues and we believe this statement speaks volumes in respect of the Appellants respect for due process and the rights of other stakeholders.

Furthermore, the Appellant has accused the Group and any other person opposed to their plans of "*nimbyism*" and disseminating misinformation in attempt to "*clog up the licencing process*". I can assure the Board of our Bone Fides and we will make no apologies for trying to protect the environment in which most of this Group grew up. We will take every step available to us in order to protect and preserve the delicate ecosystem of Loughros Mor Bay so that it may be enjoyed for generations to come. We would encourage the Board to visit the area subject to this appeal and we remain available to answer any questions or clarify any points that the Board may have.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Paul Boyle', written over a horizontal line.

Paul Boyle

**Chairman
Loughrosmore SAC Conservation Group
Sent by Registered Post.**

NOTE: It is extremely difficult to find this appeal on ALAB'S website as it is not under latest appeals section but in the determinations section. This appeal has only been determined by DAFM so therefore all appeals to ALAB should be clearly marked so. We believe that this is critical and may cause ALAB difficulty in this and other cases if not amended on its site. This is not a criticism but an observation to the board and chair of ALAB.

Appendix 1 – Photo from Glengesh Pass



Appendix 2 – Initial Observations in respect of Applications T12/405

Paul Boyle
Derryness,
Carn,
Ardara,
Co. Donegal
F94 H9D8

September, __ 2018

Minister Michael Creed
Department of Agriculture, Food and the Marine (Aquaculture and Foreshore Management Division)
National Seafood Management Division,
Clonakilty,
Co. Cork

Cc: Cllr Terence Slowey
Tullycleave
Ardara
Co, Donegal

Cc: Mr John McLaughlin
Director of Service Roads
Donegal County Council
County House
Lifford
Co. Donegal

Reference: Loughros More Bay - Aquaculture and Foreshore Licence Application Number T12/405A

Dear Minister Creed,

In respect of the afore-mentioned Aquaculture and Foreshore Licence Application Number T12/405A (the "*Application*"), I wish to present my objections to this Application for a number of reasons which I outline below.

1. Application Form Information.

Given the magnitude of the development proposed, I would have expected that any prospective licensee would be required to provide much greater detail in support of any prospective licence. The simplicity and casual nature of the Application is astonishing given the long term impact to the locality.

Looking at the Application and the associated notice in the Donegal Democrat, dated August 28th, 2018, I would like to draw your attention to the following:

- The Public Notice in the Donegal Democrat (attached as Exhibit A), makes reference to the townland of Trawnacasey. No such townland exists.
- The applicants address is incorrect in both the application and the notice
- The Public Notice makes reference to August 23rd; it was not published until August 28th.
- The Public Notice makes reference to Application number T12/405A while the application form is T12/405
- In respect of documents to be enclosed with the application, applicant has ticked the box to indicate that the drawings of additional structures to be used and / or layout of the farm has been provided. I

cannot find any reference / drawings in respect of the grading shed the applicant has referred to in section 2.I.

- Section 2.A. I assume any experience obtained by the applicant was in 2010 at the time of original application and may no longer be relevant.
- Section 2.A. Can the applicant substantiate the claims of projected employment stated in the Application, especially given that no projected tonnage has been provided in Section 2.H.
- Section 2.C. (xi) The applicant has ticked the box to say that there are no sources of pollution upstream of the site (e.g. discharge from sewerage plant, etc). The Ardara Sewerage and Waste Water Treatment plant discharges right into the area where the oyster trellises will be placed so this statement is incorrect (see Image 2 below). Can you confirm that the applicant has consulted with Irish Water and the Environmental Protection Agency to determine that the quality of water being discharged is suitable for the production of food for human consumption?
- Section 2.F. No pertinent details provided.
- Section 2.I: Can you confirm that the permission to build any structures associated with the Application and/ or any associated access / road works would be under separate approval from Donegal County Council?
- Part 3: Please explain why this section is redacted and not for public disclosure? It is in the public interest to know this information as it directly impacts any associated buildings / works that may be required should the Application be successful.

In summary, the quality of information provided in the Application falls short of the very detailed information that would be expected for such an invasive and damaging development along the Donegal coast.

2. Access Roads – L7773 & Private Roads

The townland of Derryness is a peninsula which consists of 23 homes and is served by one local road designated L7773. This road is the single point of entry to Derryness and terminates at Loughros More Bay. This road is accessed approximately three kilometres from Ardara on the R261 / Wild Atlantic Way which leads to Nairn / Portnoo.

The L7773 is 1.43Km long from the R261 junction to Loughros More Bay / beach access point. The road averages 2.45m in width, as measured every 250m.

In respect of the access points outlined in the Application and the “*Report supporting Appropriate Assessment of Aquaculture in West of Ardara/Maas Road SAC (Site code: 000197)*” dated October 2016 (the “**Report**”), I would have the following observations:

- The Application shows an access road leading of the L7773 (see Image 1 below). No road exists at the location shown in Image 1.
- Image 2 (below) is taken from the Section 5.1.3 of the Report and shows an access road leading of the L7773 as indicated. Section 5.1.3 of the Report also states that “*All access activities will be confined to designated access routes.*” This is a *private road* and not a public right of way. Has the applicant provided evidence that permission has been sought from the land / road owner granting access should a licence be forthcoming?
- Section 5.1.3 of the Report also states that “*The extent of the access routes (area) is calculated by multiplying the linear measure of the routes by a putative width of 10m which is considered sufficiently conservative.*” Could you confirm that this 10m width is assumed across the beach to access the farms or the actual roads leading to the access points? As mentioned above, the average width of the L7773 is 2.45m.
- Given that there are three separate licence applications for Loughros More Bay, can you confirm that each licence would be required to use the same assumed 10m access width or would each licensee (if granted) be entitled to consume 10m; i.e 30m of access roads on beach?
- Image 2 (below) also shows access points to potential sites in the middle of the bay and adjacent to the townland of Shanaghan. However, the plan presented in Section 5.1.3 of the Report totally ignores the

presence of a major channel which carries the outflow from both the Ownea and Owentucker rivers and has been fished by local draft net fishermen for generations.

- The channel referred to above moves significantly year on year and over time can sift several meters in either direction. I would be grateful if you could confirm that this natural movement of the channel path and the impact this will have on the trellis location / access point has been taken into consideration.

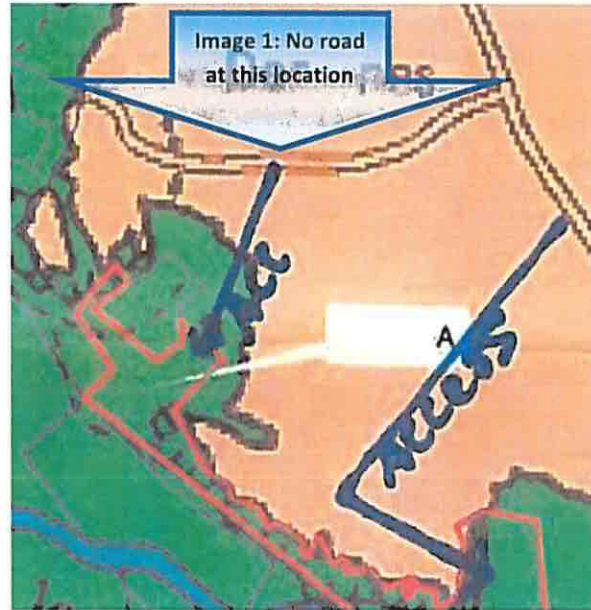


Image 1

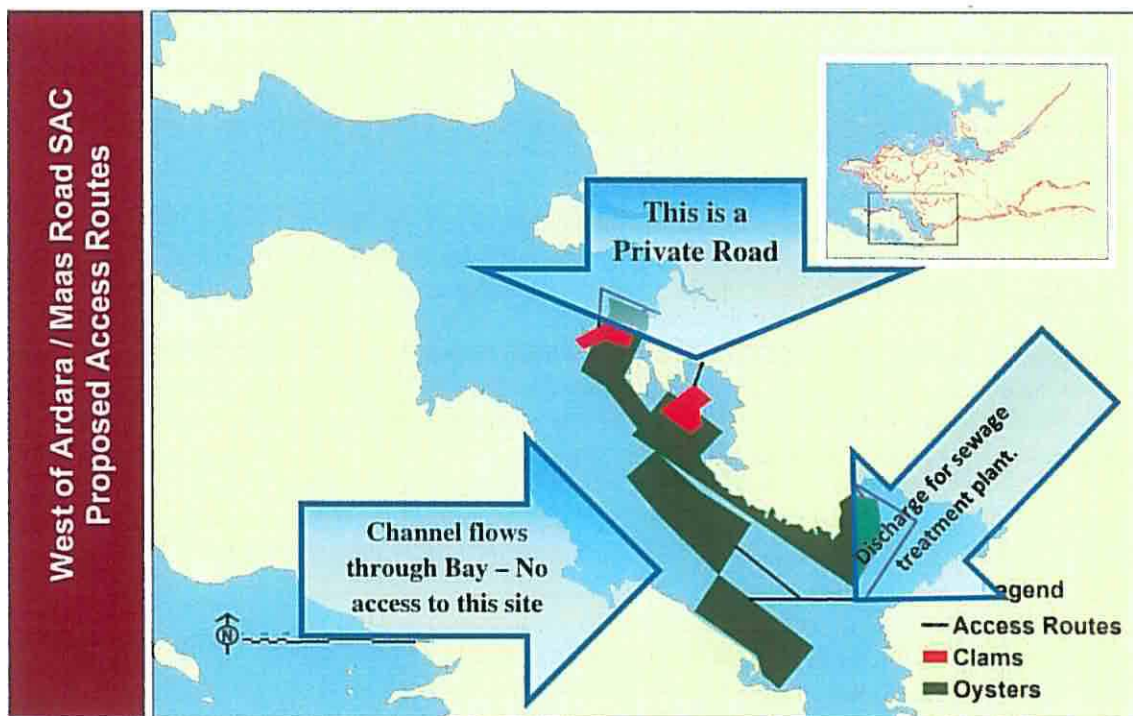


Image 2

As mentioned above the access point indicated in the Application does not align with any Ordinance Survey map or with the access roads identified in the Report. The access road indicated in the Report and in Image 2 above is a private road and could only be accessed with the prior permission of the land owners.

Furthermore, the L7773 is not capable of sustaining the increased traffic that the proposed aquaculture development would generate. The road is in need of repair due to significant subsidence and surface deterioration and Exhibit B includes photographs evidencing this damage. I have also copied Mr John McLaughlin, Director of Service Roads for Donegal County Council so that the council is aware of the potential damage and further deterioration to the road.

The L7773 has one public passing point approximately 750m from the R261. No other public passing point exists along the remaining 710m. This already presents a serious problem for local residents in day to day travel and would be exacerbated if traffic were to increase arising from the issuance of any licence.

The townland of Derryness has seen resurgence in locals relocating to the area and as a result, an every growing young population, contrary to the national trend in rural communities. The L7773 is a narrow country road, without footpaths, that sees a significant increase in traffic during the summer months with locals and tourists alike taking advantage of the pristine beaches.

Increased heavy goods traffic will not only lead to congestion and blocking of roads for tourist and resident access, but will also pose a health and safety risk for residents and tourist alike. Can you or the applicant confirm that an appropriate health and safety assessment will be carried out should any licence be granted?

3. Special Area of Conservation ("SAC"), Special Protection Area ("SPA") and area of Especially High Scenic Amenity.

The Report and subsequent "*Draft Appropriate Assessment Conclusion Statement by the Licensing Authority for proposed aquaculture activities in the West of Ardara/Maas Road Special Area of Conservation (SAC) (Site Code: 000197) (Natura 2000 site) – Updated July 2018*" states that:

" the proposed licensing of aquaculture is not likely to significantly and adversely affect the integrity of the West of Ardara/Maas Road SAC."

This is an astounding statement and really questions the integrity of the Marine Institute who is prepared to stand by such a statement. This Report is clearly a generic form that is poorly tailored to each region once it is re-designated as a suitable area for aquaculture, complete with ready to print "draft" conclusion statement.

For example, under section 9.2 of the Report headed "Pollution Pressures", it is unclear whether the author was / is aware of the presence of the Ardara Waste Water / Sewage Treatment plan which discharges directly into the bay at the location shown in Image 2 above. As previously mentioned, the presence of the waste water / sewage treatment plan was not referred to in the Application either.

The Report makes passing reference to the existence of the Ownea and Owentucker rivers but does make any comment as to the impact a large volume of fresh water (and the quality thereof) may have on the presence of the oyster seeds.

The Report also ignores the impact to bird life due to the proximity to Sheskinmore wildlife reserve, which is classified as a Special Protection Area and Wildfowl Sanctuary. Sheskinmore forms part of the Loughros More Bay area which in turn is a feeding ground for many bird species such as the Curlew (endangered species), Brent & White Fronted geese, whooper swans, Plovers and many other wading birds. Installation of the trellises contemplated in the Application would have a profound impact of the wellbeing of the bird life of the entire bay, including the wildlife reserve.

4. Recreational use of the Bay.

Loughros More Bay has been enjoyed by generations of locals and tourists, who return year after year to enjoy the unspoilt beauty of this natural public amenity. Tourist numbers have greatly increased in recent years due to the Wild Atlantic Way and Donegal being voted “Coolest Place on the Planet -2017” by National Geographic magazine.

My family and I live approximately 100m from the bay and regularly use it for walking, kayaking, swimming and cycling. The bay is also enjoyed by neighbours for horse riding and for rowing by the Loughros More Rowing Club. The extent of the proposed oyster farm would render any such recreational activities impossible to undertake for health and safety reasons and would deprive the existing users of their enjoyment of the bays amenities.

Draft net salmon fishing has taken place in the bay for generations and this year (2018) was the first year in living memory that no such fishing took place. This was because the relevant licencing authority did not grant any such licences this year. It is highly coincidental that the failure to grant these licences happens to coincide with the change in designation to Loughros More bay. Development of the proposed oyster farms will displace the incumbent fishermen and deprive them of a way of life and associated income they have enjoyed for generations.

5. Aesthetics of proposed developments.

The proposed development arising from the Application would be clearly visible from multiple locations (i) along the R261 between Ardara and Portnoo; (ii) the Loughros Point Road (L2813) from Ardara to the end of Loughros Point (iii) the N56 from Ardara to Killybegs; (iv) and the L7773 servicing Derryness. All these areas are designated as areas of Especially High Scenic Amenity by Donegal County Council, not to mention forming part of the Wild Atlantic Way and are afforded a higher level of protection and higher threshold of planning scrutiny than other non-designated areas. I include some photographs of Loughros More Bay in the attached Exhibit C as viewed from several approach roads.

It seems implausible that any Government department would consider the re-designation of a bay such as Loughros Mor and the potential granting of aquaculture licences without any consideration for the aesthetic impact and knock on effects to the tourism industry; one of the single largest employers in the Ardara area.

6. Diminution in property value.

My family and I relocated back to Ardara in 2008 so that our young children could enjoy a childhood focused around family and community. We have invested heavily in our new home which, as I mentioned, is approximately 100m from Loughros More Bay. The development outlined in the Application will be approximately 150m from our home.

We chose the location to build our home due to the unblemished and uninterrupted views of the Bay. The development of oyster farms so close to our property will no doubt result in a diminution in property value which may force us to seek injunctive relief and consequential damages arising from any such diminution in value.

To summarise, I object to the Application for the following reasons:

1. Incomplete Application form / lack of supporting information
2. Access roads; inaccurate information and existing roads not fit for purpose.
3. Failure to fully consider implications to Special Area of Conservation, Special Preservation Area and area of Especially High Scenic Amenity.
4. Depriving existing users of the quiet enjoyment of the Bays facilities.
5. Negative impact to the aesthetics of the bay.
6. Diminution in property values.

I take exception to the fact that, for receipt of a €90 fee, an entire bay can be destroyed with the willing support and encouragement of the Department. The barriers to entry, burden of information required and expertise of applicants falls ridiculously short of what would be expected given the severity of the proposed developments, both ecologically and aesthetically.

I would be grateful if you could acknowledge receipt of this letter and I look forward to hearing from you in due course.

Yours sincerely

Paul Boyle

Planning Notices

NEGAL COUNTY COUNCIL

4 Drumaghy Park,
Ardara

Bislin Maguire, am
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story extension to the
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Co. Donegal, in the
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Heaton.

Public Notices

PUBLIC NOTICE

APPLICATION FOR AN AQUACULTURE LICENCE UNDER THE FISHERIES (AMENDMENT) ACT, 1997 (NO. 23)

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

NOTICE IS HEREBY GIVEN that Mr. Francis Gallagher, Derryneesh, Co. Donegal has applied to the Minister for Agriculture, Food and the Marine for an Aquaculture Licence to cultivate Pacific Oysters using bags and trestles on one site on an area of foreshore in Loughros Mór Bay, Ardara, Co. Donegal adjoining the townland of Trawnacasey.

NOTICE IS ALSO GIVEN that the same applicant has applied to the Minister for Agriculture, Food and the Marine for a Foreshore Licence for the area of foreshore to be used for this aquaculture activity.

Any person may, during the period of 4 weeks from the date of publication of this notice, make written submissions or observations to the Minister for Agriculture, Food and the Marine, quoting the reference – T12/405A in relation to a) the Aquaculture Licence application and b) the Foreshore Licence application. Any such submissions or observations should be furnished to the Department of Agriculture, Food and the Marine (Aquaculture and Foreshore Management Division), National Seafood Centre, Clonakilty, Co. Cork, within that period.

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

The Aquaculture and Foreshore Licence application and all other relevant documentation may be inspected at Ardara and Glenties (open 24 hours) Garda Stations. These documents may also be viewed on the Aquaculture/Foreshore Licence Applications section of the Department's website, <http://www.agriculture.gov.ie/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureforeshorelicenceapplications/donegal/>

August 23rd 2018.

Planning Notices

Public Notices

Appendix 3 – Letters from Joseph Boyle & Anthony relating to the proposed access road.

Tullycleave
Ardara
Co Donegal
08/12/2019

To: Aquaculture Licensing Appeals Board (ALAB)

Kilminchy Court

Portlaoise

Co Laois

Appeal to ALAB to uphold the Ministers decision not to grant Aquaculture Licences to Francis Gallagher (the “Applicant”) for sites T12/405A at Loughrosmore Estuary, Ardara, Co Donegal (the “Appeal”).

Dear Chair and Board of ALAB,

I refer to the above Appeal.


The Applicant makes reference to the use of an access point know locally as the Ranny Road.

The Applicant states that the proposed access road is “owned solely by the applicant”. The road is in fact owned by all parties with land adjacent to and served by this road. This road has in the past been subject to legal proceedings to establish the exact rights of all users. It is not a county road and is gated to allow the containment of livestock who graze on the adjacent bog land.

I am a regular user of the aforementioned road in order to access land and bogs and for the purposes of moving livestock. I have not been consulted as to the proposed use of this road and do not consent to the use of this road for any reason other than its current use.

Furthermore, I regularly use the foreshore area to move cattle from grazing land on the foreshore at Tranacasey, Derryness to my land at Tullycleave Mor. The proposed site would impede the safe movement of livestock.

Kind regards,



Joseph Boyle

Derryness
Carn
Ardara
Co Donegal
08/12/2019

To: Aquaculture Licensing Appeals Board (ALAB)

Kilminchy Court

Portlaoise

Co Laois

Appeal to ALAB to uphold the Ministers decision not to grant Aquaculture Licences to Francis Gallagher (the "*Applicant*") for sites T12/405A at Loughrosmore Estuary, Ardara, Co Donegal (the "*Appeal*").

Dear Chair and Board of ALAB,

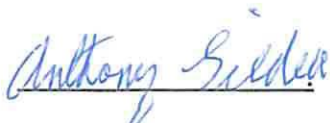
I refer to the above Appeal.

The Applicant makes reference to the use of an access point know locally as the Ranny Road.

The Applicant states that the proposed access road is "owned solely by the applicant". The road is in fact owned by all parties with land adjacent to and served by this road. This road has in the past been subject to legal proceedings to establish the exact rights of all users. It is not a county road and is gated to allow the containment of livestock who graze on the adjacent bog land.

I am a regular user of the aforementioned road in order to access land and bogs and for the purposes of moving livestock. I have not been consulted as to the proposed use of this road and do not consent to the use of this road for any reason other than its current use.

Kind regards,



Anthony Gildea

Appendix 4 – Seaweed Farms, Archaeological & Historical evidence

Appeal to ALAB to uphold Minister of Agriculture, Food and the Marine's decisions to refuse to grant a Licence to Donegal Oceandeep Oysters Ltd to cultivate pacific oysters using bags and trestles on three sites T12/397A, T12/397B, T12/397C at Loughros Mór Bay, Ardara, Co Donegal

Grounds of appeal: Seaweed Farms in Loughros Mor Bay

Detection of the true extent and nature of the seaweed farms in the area of the appeal T12/397A, T12/397B, T12/397C is difficult to determine without proper scientific survey of the bay. Loughros Mor Bay provided ideal conditions for historic seaweed farms to be established as it is a landlocked bay where the water is calmer than more exposed shores.

Full grounds of the appeal and the reasons, considerations and arguments on which they are based:

Seaweed was an important coastal resource in past settlement and its exploitation is one of the many exponents of the maritime cultural landscape of Ireland. Its use by coastal populations is probably as old as their exploitation of the seashore but is still under-researched. In Ireland, this resource, known as 'wrack', was intensively used in coastal areas. The manufacture of kelp products in Ireland from the 17th to early 20th centuries provided soda and later iodine for contemporary industries. In Ireland kelp production was carried on predominantly along the western, northern and parts of the eastern coasts and introduced from there into Scotland. All along the Donegal coastline archaeological evidence for the kelp industry includes kilns, drying-walls, storehouses and kelp grids. Associated landing-places are also a feature of seaweed farms and form part of the monuments related with this traditional environmentally sensitive industry. One of the most important aspects of the kelp industry was the placement of jagged boulders in rectangular settings or grids on the foreshore and sea beds. Over time, these settings can be obscured by shifting sand. While many of the grids are of geometrical plans and easily visible, others are composed of a less regular plan and can be easily missed or regarded as natural in nature. The greatest problem for detection in many cases is the concealment under a dense seaweed cover, or completely submerged under mud or sand. Another impediment against detection is the absence of seaweed growth on grids. This is explained by the need to reset and turn the stones at regular intervals, and since this has ceased, seaweed growth has been inhibited. In some areas of the country, seaweed grids occupy an area of 5.4 acres and comprise about 102 parallel rows of stones and may have been created under estate management (Strangford Lough, Co. Down). Smaller kelp grids would indicate the presence of small-scale production by individual landowners.

In this regard, the detection of the true extent and nature of the seaweed farms in the area of the appeal T12/397A, T12/397B, T12/397C is difficult to determine without proper archaeological scientific survey of the bay. As this type of monument and other associated structures are still under-researched in the Loughros Mor Bay area, any development of oyster farms would destroy and obliterate this tangible cultural heritage. As noted, over time, these kelp grids and settings can be obscured by shifting sand as is likely in the case in the Loughros Mor Bay area.

What is significant is that seaweed farms extend from Dundrum Bay, Co. Down all around the Ulster coast to Ardara, Co. Donegal where they peter out. They recommence at Murrisk, Co. Mayo and continue down the west coast to the Burren and the Shannon estuary. Loughros Mor Bay is a vital player in the understanding of this part of our cultural heritage on a national level.

Appeal T12/397A, T12/397B, T12/397C states that ‘in reality it would be virtually impossible to see any trestles deployed on lower to mid parts of any applications from the Wild Atlantic Way even while exposed at low tide as they would be fully absorbed by the surrounding rocky foreshore’. It is precisely these shallow, rocky intertidal shores that provided the greatest opportunity for kelp collection. In addition, several species of seaweed, for example *Laminaria* *everal* grow at extreme low water and in the subtidal zone, which was the focus of seaweed farms in the 19th century. There is strong evidence of the modification of these shores to cultivate a seaweed crop, such as the placement of boulders in grids known as kelp grids. Larger tidal ranges and shallow inter-tidal expanses in sea loughs were conducive to the creation of seaweed farms and kelp grids. On the shores, kelp kilns and drying-walls are generally located within 10m of the top of the beach, and of any existing field boundaries. Kelp shores would have been interspersed by landing-places, paths and laneways. Many parts of the shore could also provide natural landing-places. Before the kelp was burnt it was spread out to dry. This drying process could have happened on wide, stony parts of the shore where pebbles and boulders extend above high water for some distance (Rathlin and Tory) without the need for any structures. Placename surveys elsewhere have been used to identify and document seaweed farms even where there is little or no substantive evidence above ground. Another element of seaweed farming is the artefactual evidence as various implements were employed to harvest seaweed. In Donegal long poles, having a hook or scythe blade at the end were used and these could have been lost or discarded at any time in the lifetime of the seaweed farm. Taken together, the evidence for seaweed farms in Loughros Mor Bay points to almost every small beach where it was possible to land the harvest being used, particularly in the lower-lying part of the bay.

Brief Historic Relevance

In Donegal, a report by Thomas Addi on the Murray of Broughton estate in the south-west of the county mentions the making of kelp in 1730 (PRONI D/2860/25/3) with production continuing into the early 20th century. Kelp was used not only for agricultural purposes but also for linen bleaching, soap-boiling, iodine and the manufacture of glass, some of these activities are likely to have taken place in many areas around the Donegal coast and in the area under investigation.

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Grounds of appeal: Seaweed Rights:

The official position of the Department of Housing, Planning and Local Government, is that the department cannot licence seaweed harvesting in an area where there is an existing right to harvest seaweed. Existing seaweed rights holders can continue to exercise their right to harvest seaweed and do not require consent under the Foreshore Act although they must respect relevant national and European environmental legislation. This would be a conflict of interest if the oyster farm licences are granted.

Grounds of appeal: Battle of Derryness (Doirinis) – 1588

Reference to this was also submitted as part of the Aquaculture in West of Ardara/Maas Road SAC (Site code: 000197) Geological, Archaeological and Historical Assessment of the Loughros Mor Bay Area, 14th September 2018)

For the year 1588 the Annals of the Four Masters record an internecine battle of the Mac Sweeneys of Banagh. It was fought on an island called Doirinis off the west coast, near Ardara.

Extract from the Annals of the Four Masters M1588.1

‘Mac Sweeny Banagh (Niall Meirgeach, the son of Mulmurry, son of Hugh, son of Niall) was slain on Doirinis, on St. Bridget’s Day 1588, by Donough, the son of Mulmurry Meirgeach, son of Niall. That event happened thus: after Brian Oge had been slain by Niall Meirgeach, as we have already stated, Donough, with his followers, were, moreover, banished into Connaught by Niall, and he remained for some time with the English, and for some time after that along with O’Neill. *At last* he made an incursion from a far distance against Niall, what Niall did not expect, for he thought that Donough would not come into the country while he *Niall* should live in it. Donough, after having passed three nights in the wilds and recesses of the country, received intelligence that Mac Sweeny was in the Lower Third of Boylagh; and he sent spies to reconnoitre him; and the spies brought news to Donough that he would come up i.e., southwards across the strand on the day following: he Donough was prepared with all his forces to oppose him. They met at Doirinis, before mentioned, where a fierce battle was fought between them, in which Mac Sweeny was slain, together with a great number of his followers, and of the Clann-Sweeny of Munster. Mac Sweeny was beheaded, and his head was sent to Dublin. Donough was then styled Mac Sweeny’.

It is possible that great cairns of stones were erected over the graves of the victims of this battle in the Derryness and Ranny townlands. The cairns may have been removed for later building purposes over the years, but the corpses may still be buried in the area. The memory of the great battle remains in the local history of Derryness which states that ‘the course of the battle [was] along the shore of Derryness [and opposite the island of the same name] and up to ‘War Hill’ where the final engagement took place’. There is every possibility that the area still contains the munitions, armour and weapons of the opposing Mac Sweeney soldiers.

NOTE: the author has only learned that a skull was found in the area of Derryness and Ranny at some stage in the recent past. The skull appears to have been given to An Garda Siochana. It has not yet

been possible to investigate this find in any detail nor to determine with National Monuments, the National Museum of Ireland, Donegal County Museum or any other relevant agencies the exact nature and current location of the find. Given its proximity to the battle site and the historic reference, it may be the remains of one of the victims of the battle of Derryness.

All the points of objection raised by the author need to be thoroughly examined and investigated and reported on by a qualified specialist.

Signed

Paula Harvey MA

Attached: Appendix 1

**Original Geological, Archaeological and Historical Assessment of the Loughros Mor Bay Area,
14th September 2018)**

Aquaculture in West of Ardara/Maas Road SAC (Site code: 000197)

Geological, Archaeological and Historical Assessment of the Loughros Mor Bay Area

Compiled by: Paula Harvey MA ©

Date: 14th September 2018

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Executive Summary

The Loughros Mor Bay area and its surrounding hinterland contains rich evidence of human settlement and use from prehistoric times and right through history to more recent centuries. Some of the archaeological sites are well known and are important in the understanding of the cultural heritage of the region. Like many inlets and bays around the Irish coast, Loughros Mor Bay holds significant information about geology, geomorphology, archaeology and history. Much of this data has yet to be scientifically researched. If the proposed 400 acre oyster and clam farms are to be located in this area without proper and detailed examination, vitally valuable interpretations into the past will be irretrievably lost for present and future generations of researchers both academic and the general public. In addition to the tangible evidence on the ground, the Loughros Mor Bay area has significant intangible evidence relating to significant periods in Irish history such as the route of the 6th century missionary St. Conal of Iniskeel Island, which links him to St. Colmbkille of Glencolmbkille, Derry, Durrow, Drumcliffe, Iona and many Scottish and English monastic foundations. Because of this association, there is also a strong link to the Cathach of St. Colmbkille and ultimately the Book of Kells.

The sixteenth century witnessed political power struggles between and with the clans who tried to control this area of Donegal. One such event occurs in 1540, on the shores either side of Loughros Mor Bay, culminating at Trawnacasey. Trawnacasey is located at Ranny Point North and is in the area of one of the proposed aquaculture farms. This site has not been investigated scientifically or archaeologically and is an important area in sixteenth century Irish history and clan power struggles. Any proposed development will require thorough examination of the bay and shore areas.

The fact that one of the twenty-six Spanish Armada ships (1588), that of the wreck of La Duquesa Santa Ana is located at the mouth of the Loughros Mor Bay is of relevance in that the crew more than likely was made up of some of Spain's finest elite and men from the Spanish Empire's American and Indies colonies under the Armada's second-in command, Don Alonzo de Levya, makes this area significant on a national, international and global scale. La Duquesa Santa Ana may have had some of Spain's elite society on board, in addition to ordinary soldiers and sailors. The area in and around the Loughros Mor Bay warrants detailed investigations in the hope of revealing evidence of this sixteenth century ship wreck and the human and social tragedy that befell the crew.

In addition, the Battle of Derryneesh can be seen as a precursor to the Nine Year's War, culminating in the Battle of Kinsale, the Flight of the Earls and the end of Gaelic Rule in Ireland. These events are of national historic relevance as they determined the course of Irish history for the following four centuries or more. The destruction of this evidence will have detrimental consequences for national cultural and heritage sectors and is contrary to the designation given to this area in the Donegal County Development Plan 2018-2024. Of equal importance the Battle of Derryneesh is part of the PEACE IV Cross Border Heritage Programme 2018 – 2020.

Only preliminary geological, archaeological, historical and environmental investigations have taken place in the proposed area of the oyster and clam farms and if licences are granted, necessary and vital survey and research is a prerequisite prior to any aquacultural development. Academic, the heritage and cultural sectors in addition to the general public would demand that detailed studies be carried out, especially in this knowledge awareness age.

The historical rights to fish along Loughros Mor Bay and the Owenea River are well documented. Any development of an aquacultural nature needs to address and take into account the long-term sequential use of the estuary and river by fishermen who have had an historical right to fish in these areas.

Geological Evidence

The townland of Derryness translates as 'Oak Island' and refers to the oak forests that would once have covered this area from prehistoric times until the later medieval period. Ardara town sits at the westward-draining Owentocker River and at the head of the picturesque, quartz sand choked Loughros Mor and Loughros Beg Bays. According to O'Carroll and McLure (2017) submerged forests or woodlands (also known as sunken or drowned forests) are a relatively common feature of the Irish coastline (O'Connell & Molloy, 2017). These woodlands were drowned by the rising water table as a consequence of the retreating ice sheets at the end of the last Ice Age about 12,000 years ago. They are preserved under peat bogs that began to form towards the end of the Neolithic period about 5,000 years ago (c.3,000BC) or were covered by a deposition of clay and sands as is the case on Loughros Mor Bay. These submerged woodlands provide archaeologists and geologists with important evidence in the study of Relative Sea Level (RSL), past woodland history and the nature of human occupation of areas now submerged by the sea. Only preliminary investigations have taken place in the proposed area of the oyster and clam farms and if licences are granted, necessary and vital survey and research is a prerequisite.

Derryness Island

Of major relevance in scientific terms, a submerged pine woodland has been recently exposed at off the coast at Derryness Island, Ardara, Co. Donegal and is a classic example that is of national and international significance. This site is located 2 km across the bay from Lough Mullaghlaghan, where Fossitt (1994) completed a palynological study of a core that provides a detailed environmental context for the period when these pine trees were growing.

The pine tree stumps cover an area of approximately 2.5 hectares. The roots within that area are consistently below the normal high tide level. Some of the stumps have a diameter of 50cm suggesting an age of 30 – 40 years. The rooted stumps show no sign of disturbance through wind or storms. The tree stumps provide a picture of life in Ireland throughout prehistory and is also clear evidence that the original coastline in this area extended far beyond today's limits. It is also quite probable that this region contains archaeological evidence of Ireland's first hunter/gatherer inhabitants dating to about 8,000 BC. Most of these Mesolithic peoples settled along the coast and on river banks and rarely penetrated the heavily wooded interior of the country. The fact that the pine trees were all firmly rooted in a stiff podzolic soil and were later covered by peat would further indicate that Loughros Mor Bay was once dry land. Clearly, large, tall pine trees rooted in soft peat would be unstable when local gale and weather conditions are taken into consideration.

This area would be completely covered by at least one of the proposed oyster and clam farms thus obliterating valuable archaeological evidence. A complete archaeological and environmental survey is needed prior to any aquacultural development. In order that this evidence remains intact during the lifetime of the oyster and clam farming activities, a dismantling and end-of-life statement need to be documented and guaranteed that these submerged woodlands are preserved.

Dating

One of the pine stumps from Derryness Island has now been dated radiometrically to cal BC 3334 – 3212 (2 sigma – 95.4% BC) and falls within the date range for many similar recorded submerged pine trees which date to circa 3,000 BC, and are coeval with the so-called 'pine flushes' on blanket bog in the west of Ireland (O'Connell and Molloy 2017). This date coincides with the height of agricultural, domestic and ritual activity of our first farmers during the Neolithic period when forests were cleared

to build houses and funerary monuments as well as creating field systems such as at the Céide Fields and Belderrig, Co. Mayo.

Fossitt's palynology from a core in Lough Mullaghlahan (2km from Derryness Island) allows the submerged forests at Derryness to be placed in context with regional and national vegetation dynamics. Around the time the pine trees were growing (3,000 BC) Fossitt records tree and shrub pollen frequencies of 85% but they begin to decline around 3,000BC, or the Late Neolithic period. This decline is directly related to human population increases in the surrounding land of south-west Donegal, as is demonstrated by the many megalithic tombs and evidence for agriculture activity (Lacey, 2017). There were successive alder, pine and birch peaks during this Late Neolithic period. Pine peaks to 20% of all arboreal pollen at 3,000BC (Fossitt 1994), which indicates continued pine growth during the lifetime of the Derryness Island pines prior to blanket bog development and subsequent submergence due to relative sea level rise in Donegal. The submerged forests at Derryness were preserved at a time when sea level was at least two metres lower than present. These pine woodlands would have provided shelter, wood and food for the Neolithic inhabitants at Derryness Island and the current Loughros Mor Bay area.

International and National Evidence of Submerged Landscapes

Many archaeological finds and features have been uncovered alongside submerged forests in the Severn Estuary in Wales (Bell, Caseldine and Neumann, 2000) as well as the Shannon Estuary (O'Sullivan 2001) in Ireland and in Newfoundland (Bell & Renouf 2004).

Recent storms along Ireland's coastline have exposed many lost woodlands and land that was once inhabited and worked by our early ancestors (O'Connell & Molloy 2017). Further afield in the North Sea ('Doggerland'), bones, artefacts and flora remains have been persistently dredged from the relatively shallow submarine terrain by fishermen over the last few hundred years. Recent work has begun to model its flora and fauna, and establish a picture of the ancient people that lived there and begin to understand some of the dramatic events that subsequently changed the land due to the sea level rising (Vincent et al 2007).

Furthermore, marine silts, peats and organic layers were recorded during exploratory coring and construction of the Corrib onshore pipeline along Sruwaddacon Bay, Co. Mayo (ADCO, 2011). The peat formation and samples of organic remains, wood and nut shells were dated to between 7,847 – 6,207 cal BC (Early Mesolithic period) indicating relatively low sea levels at that time. The results of subsequent detailed analyses demonstrate a woodland landscape dominated by pine and hazel trees at least 13 metres below current sea level (O'Carroll 2011). Pre-agricultural human activity in the west of Ireland was focused on a hunter gatherer-fisher lifestyle, restricted to the coastal and estuarine margins of a forested landscape as exemplified in the area of Derryness Island. Investigations on submerged woodlands thus play an important part in both revealing the extent of glacial to postglacial RSL rise in this region as well as the vegetational and archaeological history of Ireland's terrestrial and shallow submarine western coastal fringe.

Similar evidence that will be of regional, national and international relevance would come from a multi-disciplinary research project in the Loughros Mor Bay area. Rather than duplicating evidence from elsewhere, such a project will enhance an understanding of the cultural, social and man-made landscape of the county and Ireland as a whole.

As Loughros Mor Bay has not been subjected to a detailed and comprehensive survey archaeologically or environmentally, there is every possibility that ancient human and cultural landscapes are preserved in the 'drowned' landscape of this area. Any development of the area would require such a survey to be carried out.

Archaeological Evidence

Irish Prehistory

The record of human settlement in Ireland before the availability of written documentation is being revised constantly through new archaeological discoveries and innovative research. One of the latest, most striking, examples of this was the recent re-discovery in the National Museum of Ireland of the patella (knee bone) of a bear that had (human-made) butcher marks on it. The bone had been found originally in a cave in Co. Clare in 1903. When radiocarbon dated for the first time lately to c.10,500 BC, this small bone instantly extended the evidence for human presence in Ireland back by several thousand years (Dowd and Carden, 2016). This begs the question of what is meant by the term 'Ireland' in relation to such earlier periods. It is known definitely, for example, that the geographical extent of the island evolved and changed dramatically in post-glacial times. Recent suggestions might indicate that the differences with the Ireland known today were much more dramatic than has been understood heretofore, including the possibility of considerable 'drowned' (but formerly settled) territory to the west of Ireland. If so, there is no doubt a large amount of archaeological remains preserved in such underwater territory. However, a radical reappraisal of our archaeological understanding of the origins of the Mesolithic and Neolithic periods in Ireland is a necessary concomitant if such suggestions of extensive drowned territory were proven to be fact. This is very true of the Loughros Mor Bay area as a result of recent very preliminary surveys and research.

The Mesolithic period

There is accumulating evidence for considerable settlement in Donegal during the Mesolithic period, generally dated to c.7,500 to c.4,000 BC. Peter Woodman, the leading Irish authority on the Mesolithic, identified a Mesolithic presence at approximately fifty locations in Donegal and in the immediately adjacent parts of Co. Derry, mainly concentrated along the shores of Loughs Swilly and Foyle, (Woodman 2013). While most of those sites dated to the later parts of the Mesolithic, some, such as the material from Greencastle in Inishowen, probably dated to well before 7,000 BC (Costa et al. 2001).

Excavations of a midden at Baylet on Inch Island in Lough Swilly showed that Mesolithic people there collected shellfish such as oysters and periwinkles, hunted wild boar, and caught a range of fish, among which were wrasse, whiting and conger eels. (Woodman 2013 op. cit.) A collection of narrow flint blades found at Raws Bog near Castlefinn in east Donegal may date from the Early Mesolithic period (7,500 to 5,500BC). (Woodman 1978) The location suggests that the nearby Rivers Finn and Foyle may have provided the region's Mesolithic inhabitants with an important water routeway into the interior of the country. An important Late Mesolithic site at Urrismenagh, Dunaff Bay, in north Inishowen was partially excavated in the 1960s. This was probably the remains of a flint-working area, with objects scattered on an ancient raised beach and on nearby hillocks (Addyman & Vernon 1966). Analysis of pollen from the site showed heavy afforestation in the region at that stage, with birch, pine, oak, alder, elm and willow all present. The site has been interpreted as the location of a small flint 'industry' – perhaps the part-time activity of a group of offshore fishermen whose boats had the technical capacity to carry cargoes of flint as well as fish. Alternatively, the site could represent the activity of a group attracted to the location for seal-hunting, the early summer fishing for salmon in Lough Swilly, or some other form of local food-gathering activity. Unfortunately no evidence of dwelling huts or cooking places was found, suggesting that those who worked there may have lived elsewhere.

The Loughros Mor Bay area has a host of shell middens that may indicate a Mesolithic presence which has yet to be fully explored. It is quite probable that Mesolithic and later prehistoric 'drowned' landscapes exist within the bay area. Research in this area, rather than duplicating evidence already known from Donegal and Ireland could provide a deeper understanding of our ancient past and may even re-write current thinking and investigation.

The Neolithic Period

The Neolithic period is discernible from about 4,000 BC onwards and is signalled by a number of significant cultural changes including: (i) the transition from a hunting-and- gathering society to more-or-less settled agricultural conditions; (ii) the construction of large megalithic tombs; and (iii) various other important technical innovations, resulting in a rich artefactual assemblage of tools, weapons, domestic, personal ornaments and grave goods. Objects belonging to this period have been discovered in the Loughros Mor Bay area mainly as stray-finds and there is every likelihood that many more will be found.

There is a lot more evidence for human settlement in Donegal during this period. Although the figures keep changing with new discoveries, a disproportionately high percentage of all Irish megalithic ('large stone') tombs are found in Co. Donegal. Many of these monuments are among the finest of their kind. This is proof of the existence of a relatively wealthy and sophisticated society in this part of Ireland at the time, which had ample surplus resources and technical and cultural knowledge to build such elaborate structures. Megalithic tombs are found in most parts of Donegal, and the fact that there are at least twelve such funerary monuments in the area in question is significant for the human history of Ireland.

Later Prehistory and History

This general area of south-west Donegal also contains, of course, a wide range of prehistorical archaeological, historical and vernacular monuments from other time periods and cultural contexts, and the scale, sophistication and numbers of the monuments belonging to all periods constitute clear evidence of a complex and obviously comparatively wealthy society in the locale from the first settlers to the more recent past. The fact that O'Boyle's Doon Fort is situated close to this area is a real indication of the Atlantic importance of the region. Being part of the Western Stone Fort series of monuments that stretch from Kerry to Donegal, it has architectural, cultural and societal associations with the Iberian Peninsula and with Scotland. Western Stone Forts were shortlisted on UNESCO's World Heritage Sites 2010. O'Boyle's Castle on Kiltoorish Island and the clan's relationship with Tír Chonaill's O'Donnell dynasty and that of the O'Neill's clearly demonstrates the significance of this area of Donegal in national and foreign contexts.

St. Conal's Monastic Iniskeel Island and His Turas (Pilgrimage)

The sixth century St. Conall founded his monastic settlement on Iniskeel Island off Portnoo. The area of his missionary work took him from the island to the mainland as far as Leconnell to the south of Loughros Mor Peninsula. In the course of his travels and the subsequent turas that developed from Iniskeel followed a route over 'Bothair' through moor waste to Oitir Conail (Conall's Bank) and along Carn Strand over to Loughros Peninsula to Leconnell. Stations, identified by cross slabs, holy wells and directional standing stones are located along the route in Mullivea, Sheskinmore and on Loughros Mor Peninsula. These monuments are markers venerating the ground where St. Conall walked, wells where he baptised at, rocks where he prayed or rested at. A longer tradition of St. Conall's turas takes this early Irish saint into Glencolmbkille where he is associated with St. Colmbkille.

Any industrial development of the Loughros Mor Bay area has to be mindful that this is an area where one of the early Christian saints had close associations. As with archaeological discoveries in general, with further surveys, more monuments may be discovered that could be identified with St. Conall and Irish monastic settlements.

Sixteenth Century Evidence

The Kin-Slaying at Loughros – 1540

During the 16th century and for some time before the practice of fíngal (kin-slaying) between and within clans such as the Mac Sweeney's and the O'Boyle's was prevalent which often led to the wholesale slaughter of the best men of the sept. The practice may have been taken over from paganism. Even though the Brehon Laws condemned it, a chief once inaugurated after slaying his kinsman could hardly be removed by his Bretons. One account of kin-slaying from the Annals of the Four Masters and the Annals of Connaught identifies the fatal wounding of Niall (Conor) on the sands between the shores of Longfield (north shore of Loughros Peninsula) and Tullycleave (Derryness and Ranny areas): In the Annals of the Four Masters the names of Conor and Niall have been interchanged. The Ordnance Survey account of 1831 is preferred over the annals from 'the blow' onwards.

In 1540 AD, 'the two sons of O'Boyle, Niall Roe and Conor, were in contention and at strife with each other (for control of the taniste). Niall made an incursion against Conor into Luachros (Loughros) where Conor had his seat and residence. Niall remained the night before the ambush in the church of St. Seanchan (Shanaghan). Conor next morning went upon the hill adjacent to the church and Niall and his people sallied forth from the church against him. When Conor saw them approaching, he ran away to avoid them, as he had with him only a few (and these persons unfit to bear arms) and he proceeded alone down across the shore of Luachros. Niall pursued him as quickly as he was able, and he outran his own people in his eagerness to catch Conor; he overtook him, and they engaged each other vigorously and ferociously, forgetful of friendship and relationship. Niall (AFM Conor) gave Conor (AFM Niall) a blow to on the top of the head, and prostrated him on the ground, and then fled away, severely wounded. His people came up to Conor (AFM Niall), who told them to pursue Niall (AFM Conor), and that he himself was not in danger of death on that occasion. They did so at his request, and overtook Niall (AFM Conor) on the borders of the neighbouring lake; and they did not dare to come to blows with him, until they had first knocked him down with the stones which were on the strand of the lake; and when he was prostrated they struck at him with weapons. And on their return they found Conor (AFM Niall) dead. There had not been of their tribe, two of the same ages, who were more generally lamented than these two who were slain by each other'.

The following is an interpretation of the Annals of the Four Masters reconstructed account combined with information from the Ordnance Survey Letters (1831). It is likely that the name for the small inlet Trawnacasey represents 'Tra na gCéasai' 'the Strand of the Woundings'. Niall's armed followers seem to have abandoned him once their prey was cut down and have actually dispatched Conor after his men had gone ahead in pursuit of Niall. They seem not to have had any fear that Niall could not take care of himself but his wounds were slowing him down so that he rather succumbed to stoning from a distance. He was probably finished off with his own weapons since Conor's people had none. It would appear that Crannogbui (Crannogboy) not far from St. Shanaghan's Church was the residence of Conor O'Boyle at this time.

Trawnacasey is located at Ranny Point North and is in the area of one of the proposed aquaculture farms. This site has not been investigated scientifically or archaeologically and is an important area in sixteenth century Irish history and clan power struggles..

Spanish Armada – 1588: Donegal, Don Alonso de Leyva, La Duquesa Santa Ana and La Girona

Don Alonso de Leyva was captain of the 820 ton *carrack* La Rata Santa Maria Encoronada from the Levant squadron. When it left Spain it had 355 soldiers and 93 mariners on board. It carried 35 guns. We must remember that the muster lists (one muster taken in Lisbon on 9th May and the other in La Coruna on 13th July) only account for soldiers and sailors. Supernumeraries are not mentioned and there seems to be no reliable way of estimating them. It is known that some of the higher ranks and Spain's nobility had an entourage of servants and their number was rarely recorded. On the Irish coast and indeed throughout the voyage, men were frequently switched to other ships. Another uncertain factor when calculating the numbers of men the Armada carried, is that the crews suffered varying degrees of attrition from enemy action, accidents, sickness and disease.

Don Alonso de Leyva's ship, La Rata Santa Maria Encoronada entered Blacksod Bay on the 15th September but grounded accidentally on Tullaghan Sand Bank in the eastern end of the bay. The crew made it ashore and camped at Fahy Castle near Doona. The English had named her 'The Rat'. The ship could not be recovered and was scuttled following the Great Gale of the 21st September. The crew transferred to La Duquesa Santa Ana some 10 miles away at Elly Bay on the northern arm of Blacksod Bay, on the 22nd or 23rd September.

La Duquesa Santa Ana, under the command of Don Pedro Mores, was a 900 ton vessel, carrying about 207 soldiers and 65 mariners and contained at least 23 guns. She first entered Blacksod Bay, Mayo about 14th September, and sheltered in Elly Bay. On 22nd/23rd September she took on board the crew of the La Rata Santa Maria Encoronada (several. 400 men) and perhaps the crew from a ship (*San Nicolas Prodaneli?*) (several. 200 men) wrecked at Inver (Broad Haven) and set sail for Spain. However, owing to calms and southerly winds she eventually sailed northwards in the hope of reaching Scotland and a return home to Spain.

On the 28th/29th September 1588, this Andalusian hulk, La Duquesa Santa Ana was shipwrecked off Loughros Mor Peninsula, Co. Donegal. The crew of 900, under the new captaincy of Don Alonso de Leyva, second-in-command of the entire Armada fleet, managed to scramble ashore. It appears that the ship was successfully beached in or near Tramore strand. The survivors spent nine days in the area; one camp of ordinary soldiers and seamen encamped at the ship's side and a second at O'Boyle's island castle of Kiltorish, where the young noblemen and senior officers were stationed. The encampment housing nine hundred foreigners around the Rosbeg area must have resembled a small town. A similar situation had developed in Killybegs where the crew of La Girona under the command of Fabricio Spinola, had taken shelter on the 15th September. These foreigners were joined by the crews of two other Armada ships that had been wrecked in the harbour during the Great Gale of the 21st September. They were given assistance by the local chieftain, McSweeney Banagh, whose castle was located at the head of McSwyne's Bay.

Meanwhile, back in Kiltorish, and with the assistance and welcome of another of the McSweeney clan, McSweeney Na Doe, Don Alonso de Leyva's preoccupation was to avoid the previous ordeal of his first shipwreck; La Rata Santa Maria Encoronada in Blacksod Bay, Mayo on 15 or 16th September. News had come that the Spanish Armada ship, La Girona had been forced into Killybegs to undertake repairs as a consequence of the storms that raged off the Irish coast in the autumn of 1588. Preparations were made to make a one day march to Killybegs and 'a hoped for escape back to Spain'. On the 8th or 9th October the Duquesa Santa Ana survivors, accompanied by McSweeney Na

Doe, broke camp and traversed a terrain that would have been difficult with a mountain pass to be negotiated. The first sight of La Girona which had been lying at anchor in McSwyne's Bay since the 15th September, must have lifted the men's spirits under de Leyva's leadership. But as they got closer, they may have been dismayed when they saw the numbers of Spanish already camped in Killybegs.

Notwithstanding, de Leyva took control and once La Girona was repaired, it set sail for Scotland on the 26th October with some 1,300 on board a ship that had the capacity of about half that number. There is evidence that up to 240 foreigners were left behind in the Killybegs area. La Girona sank with the loss over one thousand lives off Lacada Point, Co. Antrim on the 28th October. It is reported that there were between five and nine survivors only. This was one of the most costliest shipwrecks in the history of seafaring.

As the Armada was made up of many European and non-European nationalities, this event will have far-reaching connections across the Iberian Peninsula and the former Spanish colonies. Over the last number of years, there has been an increased interest and recognition of this 16th century political and maritime event. Recent discoveries at Streedagh, Co. Sligo and the ongoing underwater investigations organised by GADA, will add to our knowledge of the Armada. The site of La Duquesa Santa Ana is broadly identified but has never undergone any investigations. The route taken by the survivors of La Duquesa Santa Ana very likely followed the coastline into Ardara and on into Killybegs and is along the proposed aquacultural development. Only one of the twenty-three canons on board La Duquesa Santa Ana has ever been recovered and is in the Ulster Museum, Belfast. It is conceivable that some of the cannon and other munitions may be buried along the proposed development area. Given the richness of finds and information that resulted from the excavations of La Girona and the fact that many of that ship's crew came from La Duquesa Santa Ana and may have been of Spain's elite society, the area in and around the Loughros Mor Bay warrants detailed investigations in the hope of revealing evidence of this sixteenth century human and social tragedy.

Battle of Derryness (Doirinis) – 1588

For the year 1588 the Annals of the Four Masters record an internecine battle of the Mac Sweeneys of Banagh. It was fought on an island called Doirinis off the west coast, near Ardara.

Extract from the Annals of the Four Masters M1588.1

'Mac Sweeny Banagh (Niall Meirgeach, the son of Mulmurry, son of Hugh, son of Niall) was slain on Doirinis, on St. Bridget's Day 1588, by Donough, the son of Mulmurry Meirgeach, son of Niall. That event happened thus: after Brian Oge had been slain by Niall Meirgeach, as we have already stated, Donough, with his followers, were, moreover, banished into Connaught by Niall, and he remained for some time with the English, and for some time after that along with O'Neill. At last he made an incursion from a far distance against Niall, what Niall did not expect, for he thought that Donough would not come into the country while he *Niall* should live in it. Donough, after having passed three nights in the wilds and recesses of the country, received intelligence that Mac Sweeny was in the Lower Third of Boylagh; and he sent spies to reconnoitre him; and the spies brought news to Donough that he would come up i.e., southwards across the strand on the day following: he Donough was prepared with all his forces to oppose him. They met at Doirinis, before mentioned, where a fierce battle was fought between them, in which Mac Sweeny was slain, together with a great number of his followers, and of the Clann-Sweeny of Munster. Mac Sweeny was beheaded, and his head was sent to Dublin. Donough was then styled Mac Sweeny'.

It is possible that great cairns of stones were erected over the graves of the victims of this battle in the Derryness and Ranny townlands. They may have been removed for later building purposes over the years, but the corpses may still be buried in the area. The memory of the great battle remains in the local history of Derryness which states that 'the course of the battle [was] along the shore of Derryness [and opposite the island of the same name] and up to 'War Hill' where the final engagement took place'. There is every possibility that the area still contains the munitions, armour and weapons of the opposing Mac Sweeney soldiers.

The Nine Year's War (Tyrone's Rebellion) followed the Battle of Derryness, took place in Ireland from 1593 to 1603. It was fought between the forces of the Gaelic Irish chieftains Hugh O'Neill of Tír Eoghan, Hugh O'Donnell of Tír Chonaill and their allies, including the Mac Sweeney's, against English rule in Ireland. The war was fought in all parts of the country, but mainly in the northern province of Ulster. It ended in the defeat for the Irish lords following the Battle of Kinsale (1601) which led to their exile in the Flight of the Earls (1607), and to the Plantation of Ulster that took place between 1609 and 1690.

The purpose of the Peace IV Cross Border Heritage Programme is the provision of the research, management and facilitation of a bespoke programme that will engage and develop sustained linkages through shared heritage between Mid Ulster District Council and Donegal County Council and groups within these areas. The shared heritage will focus on the O'Neill, the O'Donnell and their vassal clans of Ancient Ulster with significance for Mid Ulster and Donegal. The programme presents an opportunity for joint working between both Councils and local interest groups. The relevant areas are places of shared significant heritage; with the close links between the Ancient Clans leading to the Flight of the Earls which took place from Rathmullan, Co Donegal; with the 'Earls', themselves coming from both Donegal and Dungannon. This event is important in our shared heritage and, along with the subsequent Plantation of Ulster, had a huge significance in the history and development of the areas. The programme is not only focused on bringing people together from across the border but also people from different community and religious backgrounds; with the aim of seeking to make a positive contribution to building a cohesive society and developing sustainable cross border contacts. The aim of engaging groups of interest in both areas is to identify O'Neill, O'Donnell and Ancient Clans heritage linkages, gather local information and knowledge and develop sustained cultural and heritage community linkages between Donegal and Mid Ulster.

This project is supported by the European Union's PEACE IV Programme, managed by the Special EU Programmes Body (SEUPB).

As battlefield archaeology and history is becoming an increasingly popular subject for academics and the 'culturally curious' tourist as identified by Fáilte Ireland and is part of this area's overall designation in the Donegal County Development Plan 2018 – 2024, the Battle of Derryness is of landmark importance. More importantly it is part of the PEACE IV Cross Border Heritage Programme 2018 – 2020 as is outlined in the summary above

More Recent Historical Evidence

Ridge and Furrow Landscapes, Sea Weed Farms and Turf Quays

According to McClure (2017) satellite photos from along the coastline of south Donegal show clear indications of intensive agricultural activity in land now abandoned as being infertile and marginal. This evidence survives as widespread patterns of ridge and furrow markings that have survived abandonment for hundreds and perhaps thousands of years (Fowler, 1981; Cooney, 2003; Halliday, 2003). Growing crops near the coast has always been a precarious enterprise because of salt spray curtailing early growth and wind flattening before harvest. Fertility of the calcareous, sandy soil could

be greatly improved by the appliance of wrack; seaweed that was abundant on the intertidal rocky outcrops and sometimes scattered across the beach.

In coastal areas, the wrack (*femmain boegach*) was carried in baskets (*cléiabh*) to the fields. Rights to valuable seaweed on the shore were clearly defined in the early Irish laws (*Brehon Laws*). On sandy Donegal shores such as Trawenagh Bay (the northern-most inlet in Gweebarra Bay), where the shoreline bedrock was deficient, rocks were quarried, carried out by boat at high tide and dropped on the strand, greatly increasing the rock surface needed to anchor wrack. Where several farms drew wrack from the strand, each farm's rights were defined by a double row of stones forming a 'march wall' that separated their valuable wrack (sea weed farms) from their neighbours. These boundaries were completely submerged at high tide but they prevented disputes when the wrack was retrieved.

The oldest ridges and field walls in the west of Ireland were discovered when archaeological excavations stripped away overlying bog at Belderg, in Co. Mayo. Associated cereal pollen and radiocarbon dated tree roots point to their use during the Neolithic period.

Several areas of ridge and furrow survive in and around the Loughros Mor estuary. Examples accessible at low tide exist on the south end of Derryness Island, (G711929). The furrows extend down to 2m above spring tide level. On the north side of Derryness Point (G706940) at 10m above OS datum there is an irregular pattern of ridge and furrow within approximately rectangular earthen field boundaries. Equally, at Keadue (G713937, G712938) ridge and furrow on saltmarsh is submerged by spring tides. There are distinct indications of fields and furrows on Roaninish Island off Rosbeg. Only 260m by 490m in extent and nowhere more than 8m above OD, this island is a relic of a larger landscape that extended more than 4km out into the Atlantic and must date from deep antiquity. This would confirm that Loughros Mor was once part of the mainland according to McClure (2017).

During the nineteenth to mid-twentieth centuries tenants of the H.G. Murray-Stewart Estate, living in the townlands on the southern shore of Loughros Mor estuary, held turbary rights on the northern shore of the estuary in the townland of Ranny (O.S. Derryness). In order to access their plots and bring their harvested turf home, traditional yawls were used by these families to cross the estuary. The remnants of dry-stone built turf quays, constructed to facilitate access, particularly for the loading and overloading of turf, can still remain intact on both shores of Loughros Mor Bay.

Like the evidence for other archaeological and historical presence in the Loughros Mor Bay area, the cultivation ridges of Derryness, potential sea weed farms and stone turf quays require further exploration prior to any disturbance by aquacultural development.

Historical References to Loughros Mor Salmon Fishery

A salmon fishery has existed in Loughros More Estuary from at least the early seventeenth century. One of the earliest records dates from the Ulster Plantation in the year 1608, where we learn that:

'in the barony of Boylagh and Boyle [...] the fishing of salmon and other fish [occurs] in the Bay of Owen I Owy'.

An extract from 'A Project for the Division and Plantation of the escheated lands in six several counties of Ulster, namely, Tirone, Colraine, Donnegall, Fermanagh, Ardmagh, and Cavan' (London, 1608) states that:

'I also enquired into the value of Oye Nea fishing and Lochris fishing and am credibly informed by the salters and packers and others that they caught four tun of salmon this year at six tierces to the

tunn, each tun being worth twelve pounds sterling in reason and sometimes eighteen pounds; the four tun amounting at that rate to forty-eight pounds sterling; the expenses of making a box 10/-; £7 for a boat, nets and men in a year; six shillings for each tierce and 4s 6d for salt to cure tierce of salmon and twopence per tierce for salting and packing; so that the charge on the aforesaid dour tun of salmon as near as I can learn is £20 6s 0d and there remains a profit to the tenant this year £27 14s 0d. And as Mr Cunyngham's land is on one said of the river and Mr Murray's land on the other side, fishing is half to Mr Murray and half to Mr Cunyngham so that half the said profit this year is £13 12 0d, but I observe that there is a broad strand and the current of the river runs much nearer to Mr Murray's land than it is to Mr Cunyngham's land. This is where they fish with boats, but where the box is fixed is above the strand, and the box is directly in the middle of the river.'

A further extract in 'The several answers and remarks made by Thomas Addi of Donnaghadee: With respect to the estate of Alexander Murray of Broughton Estate, in the County Donnegall; Pursueant to the several memorandums given unto him by said Alexander Murray Esquire at his house in Cally the 29th day of April 1730' states that:

'In 1846, the year of the Great Famine, we find RW. Nesbitt paying £12 per half-year rent for the Loughros fishery and in 1851 William Tredennick payed rent for its use.'

The S.I. No. 38/1935 – Rivers Owenea and Owentocker (Tidal Waters) Order, (1935) states that:

'WHEREAS it is enacted by sub-section (1) of Section 2 of the Fisheries (Tidal Waters) Act, 1934 , (No. 24 of 1934) that the Minister for Agriculture may, with the concurrence of the Minister for Finance, from time to time by order declare that the said Act applies to the tidal waters of any particular river or estuary in which, for not less than twenty years before the 1st day of January, 1933, a several or exclusive fishery was believed to exist and was enjoyed as of right, but in respect of which the person who on the 1st day of January, 1933, exercised as of right the said several or exclusive fishery in such tidal waters does not nor does any other person claim to have or enjoy as of right a several or exclusive fishery in such water.'

Control of Fishing for Salmon Order, S.I. of 2018:

Schedule 1

Articles 3, 5, 6, 7, 9 and 10

Fishing Licences

(1) Fishery District	(2) Fishing Engine	(3) Maximum number of fishing licences
No. 17(2) or Dundalk District	Draft net	0
No. 17(1) or Drogheda District	Draft net	0
No. 1 or Dublin District	Draft net	0
No. 2 or Wexford District	Draft net	0
No. 3 or Waterford District	Snap net	0
No. 4 or Lismore District	Draft net	0
No. 5 or Cork District	Draft net	16
No. 7 or Kerry District	Draft net	14
No. 8 or Limerick District	Draft net	27
No. 9(1) or Galway District	Draft net	0
No. 9(2) or Connemara District	Draft net	0
No. 10 ¹ or Ballinakill District	Draft net	14
No. 10 ² or Bangor District	Draft net (special tidal waters)	23
	Draft net	1
No. 11 or Ballina District	Draft net	0
No. 12 or Sligo District	Draft net	0
No. 13 or Ballyshannon District	Draft net	0
No. 14 ¹ or Letterkenny District	Draft net (special tidal waters)	8
	Draft net	2

Draft Net Fishing was suspended on Loughros Mor Bay and a Catch-and-Release licence implemented on the Owenea River for 2018. Any development of an aquacultural nature needs to address and take into account the long-term use of the estuary and river by fishermen who have had an historical right to fish in these areas.

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Extent of known Archaeological monuments in the Loughros Mor Bay area
Archaeological Survey of Ireland

Appendix 5 – Letter from Donegal G.A.P. Heritage & History Group

Donegal G.A.P. Heritage & History Group

c/o Carn House

Carn, Derryness

Ardara

Co. Donegal

Aquaculture Licences Appeals Board,

Kilminchy Court,

Dublin Road,

Portlaoise,

Co. Laois.

R32 DTW5

9th December, 2019

Re: Appeal to the Aquaculture License Appeals Board to uphold the Minister of Agriculture, Food and Marine's decision not to grant aquaculture licences to Mr. Francis Gallagher for site T12/405A at Loughros Mór Bay, Ardara, Co. Donegal

Dear Chair and Members of the Aquaculture Licences Appeals Board,

Donegal G.A.P. Heritage and History Group CLG's statement of purpose is to "research, develop and promote the natural, cultural and built heritage of Glenties, Ardara and Portnoo and the surrounding areas of south-west Donegal".

In light of recent newspaper coverage concerning the Minister of Agriculture, Food and the Marine's decision not to grant aquaculture licences in Loughros Mór Bay and the subsequent decision by applicant's to appeal that decision, Donegal G.A.P. Heritage and History Group would like to make a number of observations about the maritime cultural heritage which exists in Loughros Mór Bay referred to by Mr. Francis Gallagher in his appeal submission.

Documentary evidence purports that salmon fishing (namely traditional draft netting) has occurred in Loughros Mór Bay since at least the early seventeenth century. From 1934 the public were afforded the opportunity to apply to become holders of special local draft net licenses. Such licenses have been consistently held by members of the local community up to the present day.

As part of conservation measures taken under the Wild Salmon and Sea Trout Tagging Scheme by the Department of Communications, Climate Action and the Environment, draft netting was temporarily suspended during 2018 and 2019 and the source rivers, the Owenea and Owentocker placed on catch and release for angling. Despite being suspended, there is every possibility that the draft net fishery will be reinstated in succeeding years, when the rivers have a sustainable harvestable surplus.

The area for practicing draft net fishing in Loughros Mor Bay is defined in Fishery By-Law No. 421. No. 14 or Letterkenny District, dated 3 May 1934 as being below a straight line drawn from Rusheenroe Point in the Townland of Longfield to Ranny Point North in the Townland of Derryness, both in the Parish of Inishkeel and County of Donegal, in the No. 14 or Letterkenny District.

Incidentally, site T12/405A falls within the aforementioned area in which draft netting for salmon occurs. If the Aquaculture Licensing Appeals Board were to overturn the Minister's decision and grant a license for these sites it would mitigate any opportunity of this traditional way of life ever being practiced on Loughros Mór Bay for future generations, thus eroding another aspect of our rich heritage. Every effort must be made to safeguard this intergenerational practice and it should not be displaced from the area.

Yours faithfully,

Paula Harvey

Chair

Donegal G.A.P. Heritage and History Group

Appendix 6 – Evidence of payment of Fees by electronic transfer.

Payments and transfers

The payment date is the date the money will leave your account. Payments made before 6.30pm should normally reach the payee's account within one working day.

Your payment has been arranged

Payment details

From

BOYLE P & A

To

ALAB

BIC

IBAN

Payment reference

LOUGHROSMORSAC

Amount

€152.37

Payment date

10 Dec 2019

Message to Beneficiary

T12/405



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