

Schedule of Records: Summary of Decision Making

Requesting records re. salmon and finfish farming in Lough Swilly.

Page No.	Brief Description of record	Date of record	Grant/refuse/part-grant	Basis of Refusal: Section of Act	Record edited/Identify deletions
1-12	Letter to Carmel Daly, DCMNR, from Marine Harvest	10/6/05	Granted	-	-
13	List of names and addresses scoping letter sent to	17/6/05	Granted	-	-
14	Letter to Dr Terry McMahon from Ann Lyng with scoping letter	17/6/05	Granted	-	-
15-26	Letter to Joe Ryan, DCMNR, from Marine Harvest	10/6/05	Granted	-	-
27-38	Letter to Minister Pat the Cope Gallagher from Marine Harvest	10/6/05	Granted	-	-
39	Letter to Marine Harvest from Minister's secretary	29/06/05	Granted	-	-
40	Letter to Joe Ryan, DCMNR, from Minister's office	01/07/05	Granted	-	-
41	Letter to Marine Harvest from Minister	July 05	Granted	-	-
42	Note of meeting	1/7/05	Part-granted	Part not relevant to this FOI request	Deleted where it refers to another area outside of Lough Swilly
43	E-mail to Ann Lyng from Fiona Geoghegan about scoping document	14/7/05	Granted	-	-
44-51	E-mails with some replies to list of names (pg 13) from Ann Lyng asking for comments about scoping letter	20/7/05	Granted	-	-
52-54	E-mail to Ann Lyng from Paul O'Sullivan about scoping letter	20/7/05	Granted	-	-
55-57	E-mails to Ann Lyng from various people (pg 13) about scoping letter	20/7/05 to 25/7/05	Granted	-	-
58	E-mail to Ann Lyng from Neil Forde about scoping letter	26/7/05	Granted	-	-
59	Copy of article in Irish Times	15/7/05	Granted	-	-
60-63	Letter to Marine Harvest from Ann Lyng about scoping letter with DCMNR comments	3/8/05	Granted	-	-
64	E-mail to Ann Lyng from Donal Maguire about scoping letter	8/8/05	Granted	-	-

64

Ann Lyng

From: Maguire, Donal [Maguire@bim.ie]
To: Ann Lyng
Sent: 08 August 2005 10:16
Subject: Read: Scoping letter from MH

Your message

To: Maguire@bim.ie
Subject:

was read on 08/08/2005 10:16.



Ref: T12/85/3B.

3 August 2005

Mr Joe Gibbons
Marine Sites Manager
Marine Harvest Ireland
Kindrum,
Cashel PO
Letterkenny
Co. Donegal

Dear Mr Gibbons

I refer to the scoping letter submitted by you for two sites at Dooanmore and Anny Point in Lough Swilly for salmon farming.

This Department's comments are as follows:

1. The primary aim of a scoping exercise is to identify the likely significant impacts of the proposal and to ensure that these issues are adequately addressed in the EIS.
2. You should refer to the attached "Information to be contained in an EIS for Salmon Farming", which lists the areas to be fully addressed in the EIS.
3. The list of subject areas to be addressed in the EIS is given and is valid but you should ensure that all other issues as detailed in the enclosed checklist are also included. This will give consultees a full understanding of the areas to be considered in the EIS and particularly areas that might be of concern to them.
4. Part of Lough Swilly lies within a cSAC and SPA. The EIS will therefore, have to address in detail the likely significant impacts of the proposal on the functioning of the cSAC and SPA as is required under Habitats Directive (92/43/EEC) and Birds Directive (79/409/EEC) and give comprehensive details on how it is envisaged that any likely significant impact will be mitigated.
5. It is a requirement of the Environmental Impact Assessment (Amendment) Regulations, 1999 (S.I. No. 93 1999) that alternative sites are also considered. The reference document "Advice Notes on Current Practice" EPA 1995 for project type 14 (Salmonid Breeding Installations) also proposes examination of a wide range of siting options as a possible mitigation option for such development proposals where visual impact may be an important issue.

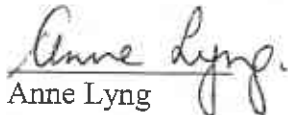
6. You should take account of all guidance documents produced by the EPA in relation to information to be contained in environmental impact statements. Terminology of impact significance etc. should be in accordance with EPA guidelines.
7. It is recommended that you also refer to EU document entitled "*Guidance on EIA Scoping*" which is available on the following website <http://europa.eu.int/comm/environment/eia/eia-guidelines/g-scoping-full-text.pdf>
8. The EIS should also include a section which details the responses received as part of the public consultation process, the issues raised and how these issues are addressed in the EIS.
9. You should include the following in the development description:
 - a Proposed mooring system arrangement. Underwater sectional view and plan view (to scale) should be provided as well as details of various mooring system components.
 - b Proposed net system. Both above water and under water sectional view of the main net and dimensions of the main components should be provided. An indication of the proposed minimum clearance between nets and seabed should be included. Jump net details and top netting (incl supports) details should also be provided as supplementary information.
 - c Details of how stored feed would be transmitted from the feed barge to fish in cages. You should also include a drawing of any floating pipe arrangement or walkway system involved. Details of any machinery involved and noise levels (if any) associated should be included.
 - d A clear estimate of the proposed usage levels of Portsalon pier (which is currently in very poor structural condition) to service the proposed farms should be included in the project description.
 - e Details of the proposed vessel workboats, passenger craft, well boats and the numbers servicing the proposed Dooanmore and Anny Point farms should be provided.
 - f Details of the proposed smolt input and the harvest operations should be provided (including points of despatch/landing).
 - g An indication of what degree of relocation of cage moorings would occur at the proposed sites between successive production cycles and also whether the empty cages or cage rings or feed barge etc. would remain at the site in the periods between production cycles.
10. Please ensure that the subject of interaction with wild fish is adequately discussed in the EIS, to include a review of all recent information.

61

11. On page 2 (paragraph 1) you refer to fallowing time but you did not state the actual fallowing time intended: this will have to be addressed in the EIS.

I trust that the above comments will be of use to you. I wish to make it clear, however, that they are given without prejudice to any decision that may have to be made in due course with regard to the acceptance of a licence application from your company. You will appreciate that they are also without prejudice to the exercise of the powers to require the submission of additional information during the application process.

Yours sincerely



Anne Lyng
Coastal Zone Management Division

Note 1 **Drawing requirements for Salmon Seafarm applications.**

1. For aquaculture and foreshore licences the area to be occupied by cages and mooring systems should be outlined in red on the relevant 6 inch (scale 1:10560) ordnance map. The position of the proposed cage layout and mooring system should be accurately depicted on the map also.

The positions of ancillary moored equipment necessary for the operation of the farm such as feed barges or navigation aids should be accurately shown on the above map.

2. In addition the following large scale drawing should be supplied for the purpose of clearly describing the proposed fishfarm:
 - (a) Plan and elevation drawing to a scale not less than 1:200 of the salmon cage. The drawing should detail the type of cage structure, floatation, stanchions, netting etc. This detailed drawing should be obtainable from the supplier. If it is proposed to use more than one type of cage then each type must be described.
 - (b) Plan and elevation drawing preferably to a scale of 1:500 but not less than 1:1000 of the cage layout and associated mooring system. This drawing should also show the proposed cage and moorings within the applied for area (it will not be essential to show the coast line). The important detailing on this drawing such as mooring anchor system, surface mooring connections navigation lights etc. should be shown to a larger scale say 1:100 scale. This drawing or additional drawings to the same standard will be necessary for any ancillary storage or feed barges.

The above drawings may be attached to the application form or attached to a map folded in the EIS. Please note that in addition to these drawings it may be necessary to provide other drawings and diagrams, photomontages etc. in the EIS. Indeed this is to be encouraged if it will improve understanding of the impacts.

Publication: Irish Times
Date: Friday, July 15, 2005
Page: 2
Extract: 1 of 1
Circulation: 116.009
Author:
Headline: Salmon-farming licence opposed



Salmon-farming licence opposed

Plans to double the tonnage of farmed salmon produced near a blue flag beach in Lough Swilly, Co Donegal, have been criticised by the Save the Swilly environmental group, writes *Chris Ashmore*

It fears that plans by Marine Harvest Ireland Ltd to get permission for new aquaculture licences near Portsalon beach would have a detrimental effect on the local environment.

In 2003, a licence granted to Marine Harvest Ireland for a salmon-farming operation near Portsalon was overturned by the aquaculture licences appeals board.

However the company is now seeking to revive its attempts to install fish cages off Portsalon, and to expand its existing site close by at Anny Point, near Rathmullan.

In its previous ruling, the appeal board noted that "the deterioration in water quality arising from the proposed activity would have a negative impact on the recreational use of the adjacent Portsalon blue flag beach".

It said the proposed activity would also constitute "an unacceptable risk to navigation", and would have an adverse visual impact in a designated scenic area.

The attempt to seek a licence at an identical site to one explicitly overturned by the appeal board is "an extraordinary slap in the face for the appeals board", said John Mulcahy, spokesman for the Swilly environmental group.

A circular outlining the company's proposals has been sent out to interested parties in the area, and a deadline of Friday, July 22nd, has been set for submissions.

Mo Dally
To see / re file

John
15/07/05

58

Ann Lyng

From: Neil Forde
Sent: 26 July 2005 10:19
To: Ann Lyng
Subject: Doonmore and Anny

Anne Lyng
CZMD
Tuesday, 26 July 2005

Ref: Scoping letter from Marine Harvest

I received some observations from interested parties regarding the site at Doonmore after my initial report to CZMD.

The objections raised concerns about navigation and fishing.

The navigation issue was considered to be overstated and no excessive hazard to local craft is considered to be caused by this development provided it complies with the requirements to be properly marked with lights , shapes and radar reflectors.

The Anny point site has not come to the notice of this office by way of complaint.

It is not envisioned that any change in the general licence condition will be required when it comes up for renewal in 2006 provided no navigational issues are raised in the intervening period.

Capt.Neil Forde
Nautical Surveyor

091-730410

57

Ann Lyng

From: Francis X O Beirn [francis.obeirn@marine.ie]
To: Ann Lyng
Sent: 25 July 2005 09:48
Subject: Read: Scoping letter from MH

Your message

To: francis.obeirn@marine.ie
Subject:

was read on 25/07/2005 09:48.

Same obs as before, w/
particular the Blue flag issue.
I spoke w/ Dr O' Beirn on 26th July 05



Ann Lyng

Fró Paddy Gargan [paddy.gargan@cfb.ie]
To: Ann Lyng
Sent: 20 July 2005 18:40
Subject: Read: Scoping letter from MH

Your message

To: paddy.gargan@cfb.ie
Subject:

was read on 20/07/2005 18:40.

Ann Lyng

From: Allen Williams
Sent: 21 July 2005 17:04
To: Ann Lyng
Subject: FW: Scoping letter from MH

-----Original Message-----

From: John Campbell
Sent: 21 July 2005 16:56
To: Allen Williams
Subject: RE: Scoping letter from MH

Allen
This was dealt with by Paul yesterday evening.
Rgs
John

-----Original Message-----

From: Allen Williams
Sent: 21 July 2005 10:16
To: John Campbell
Cc: Paul O'Sullivan
Subject: FW: Scoping letter from MH
Importance: High

-----Original Message-----

From: Ann Lyng
Sent: 20 July 2005 11:15
To: Allen Williams
Subject: Scoping letter from MH
Importance: High

Morning Allen
Have you any comments on the scoping letter I sent you on 17 June 05?
Regards
Anne

Anne Lyng
CZMD
Leeson Lane, Dublin 2
Ph:01-6782058
Fax:01-6782189
E-mail: ann.lyng@dcmnr.gov.ie

54

Ann Lyng

From: Paul O'Sullivan
Sent: 20 July 2005 18:51
To: Ann Lyng
Subject: Scoping letter from MH

Ann

I am sending my Word document comments to you again with some corrections - please delete the version "MHswilly5.doc" attached to previous 2 email attempts on this subject.



MHswilly5corrected.
doc

Regards
Paul O'Sullivan

Note
Spoke with Paul this morning. He advised
similar letter to Sept 04 he sent
to have MSO's views. There was a piece in
the Democrat paper in opposition to
Proposal

ALW
21/07/05

Ms .Lyng, CZMD

RE: scoping letter from Marine Harvest dated 10 June 2005

I was sent a scoping letter dated 10/6/05 from Marine Harvest. I have not responded directly on it. My comments are as follows:

The proposal is broadly similar to a scoping letter for a Dooanmore salmon farm development dated 13/8/04, the main differences this time being a more defined proposed Dooanmore site area and the inclusion of a much expanded Anny Point site area.

On page 3 it says “ we have now identified a new site area for submission for an Aquaculture Licence in the Dooanmore area....” It is not a new area at all in the sense that it occupies most of the site area refused by ALAB in 2003.

As indicated in my written comments of 18/8/04 and 21/9/04 to CZMD regarding last year’s scoping letter I again think it is necessary to point out that there is unlikely to be an environmentally acceptable farm site available in this area near Dooanmore. Many of the comments I made in my memo to CZMD of 21/9/04 apply to this new proposal also and I can provide the slightly updated version below:

“I have the following specific comments:

The applicant should refer to First Schedule of S1 236 of 1998 Aquaculture (Licence Application) Regulations 1998 for what an environmental impact statement of this nature should generally contain. The applicant should ensure that all aspects listed in section 1 subparagraph (c) of the First Schedule are fully considered. The applicant should take account of all guidance documents produced by EPA in relation to information to be contained in environmental impact statements. Terminology of impact significance etc. should be in accordance with EPA guidelines

The applicant should not omit to include the following in the development description:

Proposed mooring system arrangement – underwater sectional view and plan view (to scale) should be provided as well as details of various mooring system components.

Proposed net system -- above water + underwater sectional view of main net plus dimensions of the main components should be provided . Indication of proposed minimum clearance between nets and seabed should be included Jump net details and top netting (incl supports.) details ought also to be provided as supplementary information

Details of how stored feed would be transmitted from feed barge to fish in cages and drawing of any floating pipe arrangement or walkway system