

Eve O'Sullivan

From: Licensing Staff
Subject: FW: Gallaghers Brothers & Ocean Farm Ltd - Letter to EPA.PDF [MF-LIVE.FID2262298]

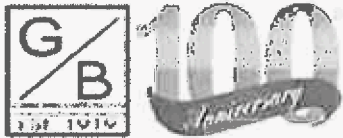
From: Anne Gallagher [<mailto:anne@gallagherbros.ie>]
Sent: 04 June 2019 12:47
To: Bourke, Roddy <Roddy.Bourke@mccannfitzgerald.com>; Wexford Receptionist <REC_WEX@epa.ie>
Cc: Morrough, Aisling <Aisling.Morrough@mccannfitzgerald.com>
Subject: RE: Gallaghers Brothers & Ocean Farm Ltd - Letter to EPA.PDF [MF-LIVE.FID2262298]

Good afternoon ,
Thanks for sending the attached on our behalf.

With Kind Regards,

Anne Gallagher

Gallagher Bros. & Ocean Farm Ltd.
Killybegs
Co. Donegal
Ireland
F94 DX85
Tel: +353 7497 31004
Fax: +353 7497 31509
Email: fish@gallagherbros.ie
Web: www.gallagherbros.ie



1919 - 2019

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From: Freeman, Rosie [<mailto:Rosie.Freeman@mccannfitzgerald.com>] **On Behalf Of** Bourke, Roddy
Sent: 04 June 2019 12:19
To: info@epa.ie
Cc: Bourke, Roddy <Roddy.Bourke@mccannfitzgerald.com>; Morrough, Aisling <Aisling.Morrough@mccannfitzgerald.com>; Anne Gallagher <anne@gallagherbros.ie>
Subject: Gallaghers Brothers & Ocean Farm Ltd - Letter to EPA.PDF [MF-LIVE.FID2262298]

Dear Sirs

Please see attached letter. Hard copy sent by post.

Rosie Freeman
Secretary
Direct +353-1-607 1467

Dublin +353-1-829 0000
Riverside One, Sir John Rogerson's Quay, Dublin 2, D02 X576

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Attachments: Gallaghers Brothers & Ocean Farm Ltd - Letter to EPA.PDF

From: Freeman, Rosie [mailto:Rosie.Freeman@mccannfitzgerald.com] **On Behalf Of** Bourke, Roddy
Sent: 04 June 2019 12:19
To: Wexford Receptionist <REC_WEX@epa.ie>
Cc: Bourke, Roddy <Roddy.Bourke@mccannfitzgerald.com>; Morrrough, Aisling <Aisling.Morrrough@mccannfitzgerald.com>; Anne Gallagher <anne@gallagherbros.ie>
Subject: Gallaghers Brothers & Ocean Farm Ltd - Letter to EPA.PDF [MF-LIVE.FID2262298]

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OUR REF	YOUR REF	DATE
RJB\32782153.1	Eve O'Sullivan	2 June 2019

Administration
Office of Environmental Sustainability
Environmental Protection Agency
Headquarters
P.O. Box 3000
Johnstown Castle Estate
Wexford

S0028-01 Dumping at Sea Permit Amendment Application by Department of Agriculture, Food and the Marine, in respect of Killybegs Harbour (the "Proposed Project")

Public notice published on 2 May 2019

Dear Sirs

We refer to your letter dated 21 May 2019. As you know, we act for Gallagher Brothers & Ocean Farm Ltd. in connection with their objection to the proposed site A sought under application S0028-01.

We note that on 20 May 2019 the EPA determined that the Proposed Project, individually or in combination with other plans or projects, is likely to have a significant effect on a European site(s) and that the EPA now intends to carry out an Appropriate Assessment of the Proposed Project.

This determination accords with our client's concerns regarding the adverse impact of the Proposed Project on the environment and ecology of Donegal Bay if dumping is permitted at the marine disposal site A, which is only 6km south of Carrigan Head, Co. Donegal. Those concerns were previously set out in detail in our written submissions on behalf of our client to the Agency, arising *inter alia* from the uncertainty about the cause of catastrophic fish losses from previous dumping of dredged materials in the area.

We note that the disposal site approved by the EPA in Dumping at Sea Permit Reg. No. S0023-01, granted on 20 May 2019 to Sligo County Council, authorises the loading and dumping at sea of

Barry Devereux, John Cronin, Catherine Deane, Terence McCrann, Roderick Bourke, Niall Powderly, Kevin Kelly, Hilary Marren, Eamonn O'Hanrahan, Roy Parker, Patricia Lawless, Helen Kilroy, Judith Lawless, James Murphy, David Lydon, David Evers, Seán Barton, Colm Fanning, Paul Lavery, Alan Fuller, Michelle Doyle, Hugh Beattie, Fergus Gillen, Valerie Lawlor, Mark White, Rosaleen Byrne, Eamon de Valera, Joe Fay, Ben Gaffikin, Donal O Raghallaigh, Karyn Harty, Philip Andrews, Barrett Chapman, Mary Brassil, Audrey Byrne, Shane Fahy, Georgina O'Riordan, Adrian Farrell, Michael Murphy, Aidan Lawlor, Darragh Murphy, Brian Quigley, Conor O'Dwyer, Stephen FitzSimons, David Hurley, Philip Murphy, Fiona O'Beirne, Garreth O'Brien, Gary McSharry, Alan Heuston, Josh Hogan, Richard Leonard, Rory O'Malley, Lisa Smyth, Brendan Slattery, Tom Dane, Catherine Derrig, Megan Hooper, Shane Sweeney, Adam Finlay, Iain Ferguson, Jennifer Halpin, Stuart McCarron, Stephen Proctor, Michael Coonan, Stephen Holst, Emily Mac Nicholas, Brendan Murphy, Shane O'Brien, Eamon Ó Cúfá, Eleanor Cunningham, Gill Lohan, Ciara Ryan, Niall Best, Richard Gill, Doug McMahon, Laura Treacy.
Consultants: David Clarke, Ambrose Loughlin, Eleanor MacDonagh (fca), Lonan McDowell, Anna Moran, Peter Osborne, Michael Ryan (fca), Tony Spratt (ACA).

dredged material at Sligo Harbour Shipping Channel and marine disposal at a site approximately 34 nautical miles northwest of Sligo Port and approximately 16.5 nautical miles north of Downpatrick Head. This contrasts with much shorter distance of 6km from land proposed for the dumping under Permit SOO28-01.

In our submissions to the Agency about the Permit sought under S0028-01, we urged on behalf of our clients that site C, or further, be selected, instead of site A, as the proximity of site A to land increased the risk of serious environmental damage and commercial losses. Our client points out that there is no scientific justification for this difference of approach between S0028-01 and No. S0023-01, where a much greater distance from land is stipulated. Our clients asks that the EPA in carrying out the Appropriate Assessment looks closely at the danger inherent in site A, which can be greatly reduced by moving the proposed dump site to site C or further.

We request that this submission, along with our previous submissions dated 16 January 2017 and 21 September 2017, be taken into account by the EPA in conducting the Appropriate Assessment pursuant to Article 42(12)(f) of the European Communities (Birds and Natural Habitats) Regulations 2011 to 2015. Please do not hesitate to contact us if you require further information or clarification on any of the points raised.

Yours faithfully


McCann FitzGerald

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