

Ms A.D Boyle,

[REDACTED]
United Kingdom

Telephone: [REDACTED]

Email: [REDACTED]

7th February 2017

For the Attention of Independent Review of Aquaculture Licensing,
C/O Deirdre Morgan – Secretary to the Independent Review Group,
The Department of Agriculture and Aquaculture,
Food and the Marine,
National Seafood Centre
Clonakilty,
Co. Cork.
P85 TX47

Dear Ms Morgan

Aquaculture Consultation

I am deeply shocked and saddened by the way the Minister of Aquaculture, Mr Creed and his department are treating us, the people of Donegal. Once again I am left with a few days to put in a submission as I only heard of this today. Last year, 7th October 2016, I was informed by local residents of [REDACTED] that someone had placed planning for an Oyster farm application for [REDACTED] [REDACTED] I was told to look at my deeds and found that the application made by [REDACTED] which nearly came to be implemented was cited on my own land. I had no prior knowledge nor did I or my late father give any such approval! Why did the Minister of the department of Aquaculture, Food and Marine not check with the land owners if they had given permission for their land to be used as site access?

I, as the site owner, have been very upset and stressed over this matter it has caused me sleepless nights and some expense. At first my friends and neighbours in [REDACTED] had thought the land owner was involved and were extremely angry and were intent on finding out who owned the land! I was informed by friends of what was happening and after looking through my late father's papers I found the deeds and was horrified to realise [REDACTED] site access application in question was on our own land. Luckily I found this in time to stop the planning being pushed through at that time on that piece of land.

Living in England I had to find out for myself by going onto Aquaculture Licensing Planning application online to see who had put forward this proposal; as I had never been informed about this matter. [REDACTED] and this application was proposed, cited and

marked by [REDACTED] as his land; when in fact that site access he marked on his plans is on my land and deeds!!

What I find most disturbing is that this proposal¹ was stamped by your office on [REDACTED] [REDACTED] [REDACTED] Why were we as land owners not notified? Surely Land Registry is open to other government offices?

I knew nothing until 4th October 2016 when the first submission deadline was for 7th October 2016. As land owner of the site where it was proposed for site access, why was I [REDACTED] for whom I had lasting power of attorney, not given any prior notice of a planning proposal on our land?

We had not given anyone planning permission to use our land for their own convenience and most importantly, why was [REDACTED] credentials not looked into and checked? Surely this is encroachment.

I knew nothing until I received a phone call from Ireland to which I had to write my letter of objection and had 3 days to meet the deadline to make sure my letter was received in time. Why did the Minister or his employees not check the site in question? When I forwarded my letter of complaint to [REDACTED] I also sent a copy of that part of my deeds which clearly showed the site in question and stated in writing that I would never give anyone access to my land for an Oyster farm.

Being a site owner of land on [REDACTED] I was never given notice or indeed heard of this proposal before the 4th October. Why? It made me look guilty and I would have been victimised because the feelings of the people in the surrounding area are so strong, as are mine! Having had no prior knowledge to the planning application, casement reference [REDACTED] made by [REDACTED] [REDACTED] or of any other applications for aquaculture licence for foreshore development or any other planning proposals down [REDACTED] why were these plans nearly pushed through so underhandedly? (In my opinion).

I immediately emailed [REDACTED] and some others after receiving this news on 4th October and indicated to him that a hard copy duly signed would be sent by global registered post. This cost me [REDACTED] and was collected by his management division. However all I received was an answer to my email on the same day saying they "...would respond in due course." Having still not heard from [REDACTED] by the first deadline date I then had to go to the trouble of contacting the postal service and tracking if my duly signed documentation had been received. I was told [REDACTED] had signed for it on 7th October so my documentation and objection had been received on time. Yet still I heard nothing until I contacted [REDACTED] office and spoke to him by telephone from England on Tuesday, 11th October 2016 at approximately 10am.

I, as the site owner, was deeply upset by [REDACTED] application and attempted encroachment onto my property, to which, [REDACTED] told me he had received my letter and emailed me on 11th October, acknowledging receipt of my letter, copy of access route map, copy of Land Registry and copy of deeds and he now cited, "...I wish to assure you that your submission/query regarding the access route for application [REDACTED] is being examined further and a more substantive reply will issue in due course."

However he also stated during our telephone conversation that he had not received my registered letter by post. I told him that that the letter had been accepted by [REDACTED] [REDACTED] informed me it had gone to another department! I told [REDACTED] that I was the owner of [REDACTED] site in question

where a [REDACTED] had applied for a oyster farm planning and [REDACTED] was the one who was involved in this planning proposal and definitely not me! I had no knowledge nor did I give anyone permission to use my land as site access for their own convenience. I, as the site owner, was deeply upset by [REDACTED] attempted "encroachment" onto my property.

What if there was an accident? Who would be held liable? Me as land owner, and I would never ever let anyone use my land for oyster farming! I also informed [REDACTED] that it would be encroachment and he would possibly be looking at a civil matter if he proceeded. He tried to ignore this.

However I have been told that any aquaculture and marine development planning may not require structures at sea however it would need structures on land such as to establish road access, commonage, across lands owned by others and along shoreline. Also to get approval "...above high water mark would require planning permission..." and I have no intention ever to give my consent.

With this [REDACTED] became quite unpleasant and stated that he would be sending Marine Surveyor Engineers down to look for another site access. As far as I understand there is no other suitable site access but mine and they would not get any permission from me. I could not believe that any official person could treat or speak to a member of the public in such a manner.

On 15th October 2016, I received an email from [REDACTED] at 16.45 stating, "...Further to the query you raised re access route for application [REDACTED] I am writing to inform you that this application has now been withdrawn. I hope this is helpful."

That was all he has sent me. He did not have the courtesy to say why. However I already knew that [REDACTED] withdrew his application on 12th October 2016 as it was on Highland Radio and [REDACTED] solicitor, [REDACTED] announced this.

Because of [REDACTED] short reply I sent another letter to him asking him to please make it clear to me and the people of [REDACTED] if his department's intentions were, still to continue with this application or if the planning proposals were to be completely withdrawn? I also requested to know if anyone else could take over [REDACTED] application and could it still be used by anyone else after that date?

To date, [REDACTED] has declined to answer and reply to my letter. Is this the way all governmental officials and departments work in Ireland? So now you will understand my disgust in finding that this is being brought forward again for the whole of Gweedore Bay and I not been notified once again! Surely Mr Creed through [REDACTED] should know by now that [REDACTED] planned access was illegally cited on my land. I supplied Mr Creed's department notification of this and a copy of that part of my deeds as proof! So could you please inform me of what exactly is happening in regard to my land?

I am very upset by Mr Creed and [REDACTED] who I understand answers to him. Having looked at other copies of Aquaculture – Licensing Fisheries (Amendment Act 1997) application forms; it seems they will accept plans from anyone who applies with no title deeds to put anything on anybody else's land! Luckily I managed to find out just in time and if Mr Creed thinks to go ahead with this application for planning on my land I now give you notice that I will not sit back and let it happen.

Also I suggest you look into other applications and make sure that these people are not rogue scammers because having looked into some of the plans I have noted one applicant who I believe is behind this and whose business, [REDACTED] has been in liquidation more than once. How can a government office honestly accept an application without fully checking credentials of the people concerned? But more importantly why won't the government listen to the people, i.e. local residents of Donegal, around the areas, I am sure at least 90% are heartbroken by the thought of losing their beautiful strands, Flora and Fauna and Tourism, among many other things, will be ruined, for what? A few greedy people making a fast buck! I cannot believe how Mr Creed and his department are being so high handed and continue with the intentions to push these plans through regardless and destroy our beautiful Donegal.

I would never willingly agree to give anyone permission for use of my land which would obviously ruin for years to come the whole beach, destroying for the people of Donegal, the enjoyment and pride of the environment of our beautiful strand as well as begrudging myself and my family of the same. All my life as I grew up I have spent my holidays at least twice a year, in [REDACTED] and always walked across that strand. A few years ago I built a new house there in which I intend to retire. My father always left the land on the strand open for the enjoyment of the local people does this now mean I should fence it off and put notices "Private land no trespassers"? I had understood that [REDACTED] strand like the rest of the beaches in Donegal are conservation areas and hope they will remain so in perpetuity.

Yours faithfully

Ms. A.D. Boyle

cc Pat (the Cope) Gallagher TD
Charles McConalogue TD
Eamon Ryan TD
Pearse Doherty TD
Thomas Pringle TD
Joe McHugh TD
Dan Mulhall, Irish Ambassador to UK
Dan Boyle, Politician and Campaign Leader for Wales Green Peace

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