

Athbhreithniú Neamhspleách um Chéadúnais Dobharshaothraithe
F/ch Deirdre Morgan – Rúnaí an Ghrúpa Athbhreithnithe Neamhspleách
An Roinn Talmhaíochta, Bia agus Mara
An Lárionad Náisiúnta Bia Mara
Cloich na Coillte,
Co. Chorcaí

09 Feabhra 2017

A chara,

I Aodh Mac Ruairí, ask that the Independent Review of Aquaculture Licensing Group to note and consider my observations with respect to the terms of reference guiding the process of awarding aquaculture licences. My observations are made specifically in relation to the granting of four licences in the (Braade-Gweedore Bay) Co. Donegal area but they apply equally well to the general process by which the Department for Agriculture, Food and the Marine makes in its determinations in the matter of aquaculture licensing.

I make the following observations:

“Enhanced transparency” requires a commitment to informing and involving as many stakeholders as possible in a way which is readily and easily accessible. The current regulations require applicants to publish an advertisement and place a notice in a Garda Station. In the case of the Bráid-Gaoth Dobhair licences, a small single column add was placed in one local newspaper and notices were placed in Stáisiún Garda an Bhuna Bhig (not even our local station). The number of people who saw, or read, the newspaper is unknown. However, it is unlikely to be high, and based on anecdotal evidence from within the community, very few people saw the advert. The placement of the notices in Garda Station, leads to the conundrum that the community must know that they have been placed there in order to know that they should go there to view them. It is also the case that at least two of the notices in the Rosses, Co. Donegal, area were not placed in the Garda Station which is most convenient to the local population. Indeed, one of the notices was placed in a Garda Station which is 63km away (Milford Garda Station) and would certainly not have any footfall from the communities affected by the four licences which were granted. We do not consider that the advertisement, or the notices in the Garda Stations, is an effective, or transparent, method of informing the very stakeholders which the granting of licences directly affect.

In the interest of engaging and informing stakeholders in a real, inclusive and meaningful way, we suggest that a formal public information campaign be put in place which could be delivered through several channels: leafleting, email, workshops, public meetings. We strongly recommend that notices of new licensing applications be placed in places that the affected communities(stakeholders) actually frequent: community centres, churches, or national schools. A useful first step would be the engagement with local development committees which could assist in the dissemination of relevant information. This approach is particularly important in a situation where the proposed licences affect a large area and a range of

communities and stakeholders. Where contiguous licences are being sought, these should not be considered individually but as a collection of licences which have a cumulative affect on any given area. In the case of the Bráid-Gaoth Dobhair (Braade-Gweedore) licences, four contiguous individual licences amount to an area which covers almost 99 acres.

Several issues also arise with respect to compliance or regard to EU and national law. The four areas to which licences have been granted (T12/419 A, B and C, T1430B, T12/438A and T12/438B and T12/410 A & B) are in a Special Protection Area. The *National Parks and Wildlife* service maps of the SPA's confirm the fact, see www.npws.ie/protected-sites/spa. It is a matter of concern that no mention is made of this status in responding to questions such as question 17, , on the licence applications above mentioned, 'xvii , Is the site located in/adjacent to a sensitive area e.g. SPA (Special Protection Area) or SAC (Special Area of Conservation) i.e. a Natura 2000 site?' It is certainly at odds, if not directly contravening national and European guidelines.

In the case of such a large-scale proposal, one would also have expected that an Environmental Impact Statement (EIS) would be conducted. Yet, despite the area's status as a SPA, no EIS was conducted. The Minister's determination ignores the requirements of the habitats directive and the established obligations on the State, as a EU member state, in relation to the conservation and improvement of European site such as Bráid – Gaoth Dobhair Bay. Once again, one would have expected Government's actions to have been aligned with the European Environment Agency's commitment "To help the Community and member countries make informed decisions about improving the environment, integrating environmental considerations into economic policies and moving towards sustainability."

There also appears to be an issue or indeed a policy gap when issuing of Aquaculture Licences, with the lack of consultation with the EPA(Environmental Protection Agency) considering they are the organisation that assign water quality status under *The Water Framework Directive(2006)*. The EPA should be among the statutory bodies that Department consults when assessing aquaculture licences.

In conclusion, it appears that there is a lack of compliance with both national and European directives and a lack of consultation with respect to environmental protection, a flouting of good practice with respect to the dissemination of information and ensuring genuine community engagement and an absence of alignment across a range of Government policies including those which aim to promote this part of Donegal as an area of outstanding natural beauty and a key natural resource to both locals and tourists alike.

Is mise

Aodh Mac Ruairí