

## **Independent Aquaculture Licensing Review – Public Consultation 2017**

To whom it concern,

I wish like to make the following submission to the Independent Aquaculture Licensing Review – Public Consultation 2017.

The current licensing regime is not fit for purpose and needs a complete overhaul to ensure transparency and governance. Under current planning practises proper public consultation is lacking and State agencies must clearly respect and adhere to the over-arching environmental controls to which Ireland is committed. The marine environment is not a playground for industry. It is public space, and use of this space for private gain must be rigidly controlled and regulated.

In the case of Aquaculture Licence 799 for a 42 acre oyster farm development on a public beach, Linsfort/Stragill Strand near Buncrana, Co. Donegal, there was a number of breaches in the planning criteria which should have prevented the application from being approved in the first instance had planning procedures been followed and overseen correctly by the Department concerned. The breaches in planning procedure are outlined as follows:

**1. Breach in planning criteria:** The correct public notification procedure was not followed due to the use of an incorrect public outlet for north Donegal. The Public Notice was advertised in The Donegal Democrat, a south Donegal newspaper that is not local to Inishowen and not recognised by the Donegal County Council as an appropriate outlet for planning applications. Why did the Department instruct the applicant to advertise in this newspaper? Despite a large number of public complaints regarding this matter, why have recently instructed applicants from West Donegal to advertise in the Donegal Democrat?

**2. There are also a number of anomalies** to the Public Notice under the Second schedule of S.I. No. 236/1998 - Aquaculture (Licence Application) Regulations, 1998, as follows:

**Address of applicant** - NOT PUBLISHED

**Location of aquaculture proposed** - NOT PUBLISHED CORRECTLY, "an area of foreshore in Lough Swilly". Lough Swilly covers an area of 150km<sup>2</sup>, and is over 40km long and 8km wide.

**Species for cultivation** -NOT PUBLISHED

**3. “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 the Marine and Natural Resources in relation to the proposed aquaculture. Any such submissions or observations should be furnished in writing to the Department of the Marine and Natural Resources (Coastal Zone Administration Division), Leeson Lane, Dublin 2, within that period”:** WRONG ADDRESS ON PUBLIC NOTICE, therefore if a member of the public had made a written submission it would have gone to the wrong address, with only a short period left for observations this correspondence may not have reached the correct address on time.

**4. Public Notice under the Fourth schedule of S.I. No. 236/1998 - Aquaculture (License Application) Regulations, 1998:**

***Location of proposed aquaculture*** -NOT PUBLISHED, vague information as per point 4 of the second schedule. How could the public make an observation about such a large area without a specific location? Thus, the planning conditions as set out by Donegal County Council, the Department of the Environment and Local Government were not met and the granting of the application should be deemed void and illegal under current legislation.

**5. Access and planning:** The access point to the site as outlined in Figure 2 of the Licence is through the grounds of a private dwelling. Planning was not obtained for the creation of a track onto the foreshore and a change of use for the lands in question from dwelling to commercial access. According to the criteria for the granting of licences as stated by Minister Coveney at the time:

***“3.10. The Licensee shall ensure that tractors (or other vehicles) accessing and leaving the site adhere strictly to approved access and egress routes as specified in Schedule 1 attached.”***

***“9.4. The Licensee shall at all times hold all necessary licences, consents, permissions, permits or authorisations associated with any activities of the Licensee in connection with the licensed area.”***

**6. No Environmental Impact Study (EIS):** As the site is outside any NATURA 2000 sites or national designations, Minister Coveney determined that no EIS was required for the application. However, in order for the Licence to be screened out an appropriate assessment is required by Donegal County Council for planning applications, which have the potential to impact on designations in the County. No such screen report was undertaken by an appropriately qualified representative of the Licensee.

***“3.9. The Licensee shall ensure that any aquaculture or other activity conducted under this licence does not adversely affect the integrity of the Natura 2000 network (if applicable) through the deterioration of natural habitats and the habitats of species***

***and/or through disturbance of the species for which the area has been designated in so far as such a disturbance may be significant in relation to the stated conservation objectives of the site concerned.”***

Further to the above some additional points based on criteria for granting of licences as stated by Minister Coveney are:

***b) The limited magnitude and extent of the direct impacts arising from the proposed aquaculture activity:***

What are the criteria and decision matrix, which determines the magnitude and impact of licences? The level of public support for ‘Save Linsfort Beach’ would indicate that the magnitude and impact of this development is significant (over 4,000 people have signed a petition against this Licence). The scale of disruption is felt throughout the whole West Inishowen coast community and, also importantly, by the sizeable seasonal community from Northern Ireland which frequents the beach during summer months. The site is one of three beaches used by the residents of Derry (250,000+), Ireland’s fourth largest city, and Linsfort Beach/Stragill Strand is one of the areas key products in the regional tourism offering.

***d) The low population density of the surrounding area:*** Linsfort Beach/Stragill Strand was one of the most frequented beaches in NW Donegal with users numbering in the tens of thousands during summer months. The Licence has resulted in an immediate negative impact on the marine/coastal tourism offering of the Buncrana and West Inishowen area by restricting and monopolising the use of one the key and most valuable natural resources of the area, to one company.

***e) The low visual impact of the proposed aquaculture activity:*** Pre-screening stated no impact. However, the negative industrial appearance and disruptive visual impact of the site during periods of low tide is difficult to reconcile with the above statement. Introducing dangerous industrial structures into a pristine natural vista immediately reduces the value and role of vistas in the area for use as a resource for tourism and, in particular, the ‘Wild Atlantic Way’ product. It can also be seen clearly from the public road which runs parallel to the site as well as many other locations such as the public road leading to Fort Dunree Museum and Fr Hegartys Coastal Walk (both local tourist amenities).

***i) The minimal impact on recreational use of the adjoining foreshore:***

The site is one of three beaches used by the residents of Buncrana (6000+) and Derry City (200,000+) Irelands fourth largest City. The Licence has resulted in an immediate restriction for coastal recreation and, in effect, monopolises the use of one of the key, and most valuable natural resources of the area, to a single private individual. The beach is part of a coastal walkway from Buncrana and is featured in books and TV productions that have focused on the value of the sites’ natural beauty and aesthetic qualities.

**‘Boom and Bust’ Planning:**

During the ‘Boom’ Ireland used light touch regulation in the building sector to pursue development goals to the detriment of strategic long term planning. The resulting ghost estates have shown that development undertaken for short-term objectives is not sustainable.

This Licence is in an inappropriate site on a public beach, it is not a question of jobs or aquaculture but a question of siting such developments in an appropriate place. Lessons should be learnt from past mistakes in other developing industries and, although it is acknowledged that national aquaculture targets must be met, it is important that they be met in an appropriate manner. A manner that does not negatively impact the local community and tourism. Meeting short-term goals in aquaculture because of short-term issues in the French market, and national job creation targets, does not facilitate a viable and/or sustainable future.

In summary, the following improvements should be made to the licensing regime:

- Proper and timely public consultation
- Obligatory response from statutory consultees
- Fair and balanced State role in aquaculture licensing and regulation
- Strict adherence to licence terms and conditions essential for of licence retention
- Recognition and respect for environmental and ecological considerations
- No “omnibus” licences without “omnibus” appeals.
- Local determination in awarding licences, not from a distance office in Cork with no local knowledge.

Sharon Porter



Buncrana  
Co. Donegal.