

08/08/2019

Mr. Michael Creed T.D.
Minister for Agriculture, Food and the Marine
Agriculture House
Kildare Street
Dublin
DO2 WK12

Dear Minister

Re. Proposed Aquaculture Development in Ballyness Bay S.A.C., Co. Donegal

I write on behalf of the Save Ballyness Bay S.A.C. Action Group. We contend that the consultation process carried out by you, Minister, in respect of the above is fatally flawed. Without prejudice, we make the following observations.

1 The public notices were placed in a publication, the Donegal Democrat, which has very limited circulation in the affected area, in spite of their being a publication available, the Donegal News, which has a high level of circulation in the area. To date we have hard evidence of almost three thousand people who knew nothing of the proposed development until we, not you Minister, brought it to their attention. This makes your alleged consultation process manifestly in breach of the Aarhus Convention, specifically the right of the public to access to information and to participate in environmental decision making. You, Minister, have compounded the offence by refusing to accept submissions from the local community, on the basis of your alleged completion of the statutory consultation process.

2 The information provided by you is ambiguous and lacks sufficient details to allow any meaningful assessment e.g. in the case of one applicant, Northern Shore Shellfish Ltd., the address given in the licence application differs from that given in the public notice; in the case of one applicant, Joseph Coll, the references to sites T12/500, T12/502 and T12/516 differ in the applications from what is stated in the public notice; there are factual discrepancies relating to issues of size, quantity and personal details, and answers to key relevant questions are conspicuous by their absence.

3 The necessity and desirability of an Environment Impact Study (EIS) is starkly ignored in spite of Ballyness Bay being a designated SAC and SPA. The Foreshore Act 1933 (2009 Amendment) 4, specifically states that the Minister can only waive the requirement for an EIS in exceptional circumstances.

4 No consideration has been given to the visual impact of the proposed development or its impact on the vital tourism industry on which the local economy is heavily dependent. The development would sterilise the bay for social and leisure pursuits for locals and visitor alike. There has been no cost benefit analysis carried out in this regard.

5 No information has been provided on applications for planning for the significant infrastructure which would be required to facilitate the aquaculture development.

6 All the public notices and all postings in relation to the matter on your Department's website are in English. Ballyness Bay is situated in a primary Gaeltacht area. This is in contravention of the Official Languages Act 2003 (Number 32 of 2003), in particular Section 10 which requires that public bodies publish certain documents in both official languages simultaneously.

In light of the above, we contend that the alleged consultation process is null and void and no action can be taken to process applications on that basis. We are to advise you, that should you choose to ignore the above and proceed to process applications in respect of Ballyness Bay, legal proceedings will ensue. We are to further advise you that the matter is being referred to the relevant EU Directorate General for their attention.

Yours sincerely

Chairman