

Name:  
Full Address:  
(In print letters)

31.08.2017

Exploration and Mining Division

Department of Communications, Climate Action and Environment

29-31 Adelaide Road

Dublin D02 X285

**Re: M.A. 328/3 – Objection to the Notice of intention to grant prospective Licenses**

To Whom it may Concern:

Further to a notification featured in the Anglo Celt of 17<sup>th</sup> August 2017 regarding a proposal to grant prospective licenses for Barytes, Base Metals, Gold and Silver to BMEx Pty.Ltd., 2 Benson Street, Toowong, Queensland 4066, Australia we would be obliged if you would note our objections to issuing a prospecting licence on the following grounds:

- **On formal / legal grounds:**

The notice date is 16<sup>th</sup> August 2017, but it was only published on the 17<sup>th</sup> August in "The Anglo-Celt", a weekly local Newspaper with limited coverage. The date for publication was chosen to be during the holiday period, in small print, hidden on page 12 there. We are not frequent readers of the Anglo-Celt, many of our neighbours were on holidays and we were only made aware of the Notice by a neighbour days later.

The map at the Garda Station in Ballyconnell could not be obtained as a copy. The Garda Station had been instructed not to allow photos or to take copies a visiting person was informed. The map itself does not meet common information requirements and standards: It only shows on a blurred background the names of the Townlands. That is all. It does not show the affected Towns in the license area like Belturbet and Ballyconnell; any Roads, Lakes, Rivers and Streams, Forest, Wetlands, Tourist Amenities and Attractions - such as the Shannon Erne Waterway ("Blueway") section of the Woodford River are not shown either. The EU funded "Special Area of Conservation (SAC) Lough Oughter and Associated Loughs" and its Townlands with its many drumlins, lakes, wetlands, streams and rivers etc. is not described or outlined on the map at all.

Furthermore the text in the notice published in the Anglo-Celt is not complete, when compared with the Notice on the Department's website. Page 2 is missing in the Anglo-Celt Notice, outlining and detailing the Minister's "decision on specific prospecting activities". With regard to the types of minerals / metals the applicant for the license is searching for, the names "Barytes and Base Metals are not commonly used. An article in the Anglo-Celt dated 24<sup>th</sup> August revealed, that the company is intending to develop as its ultimate goal i.e. another large Zinc/Copper mine in "favourable mining-friendly jurisdictions", but this is not made clear in the Notice.

It was further revealed in the article (within the objection period) that the Minister for the Environment will approve the application. Such a statement quoted in a Newspaper Article by Department Officials appear to be non-compliant with legal requirements to stay neutral in a democratic objection process. Therefore this procedure cannot be regarded as fair or democratic.

**Summary (1):** The way, the format, the access and the content of the Notice and how it was communicated to the public and dealt with by the Department and its officials was incomplete or insufficient and could not possibly reach all. Therefore the entire notification process and press releases appears not to be compliant with legal requirements to inform us and the general public fully and in an objective way on such a matter of importance to the entire area and its population. **We are requesting the entire notice process must be withdrawn on formal grounds alone. See also last objection point in this context.**

- **On Conservation and environmental grounds:**

Most of the area or at least large areas intended to grant prospective licenses lies within the “Special Area of Conservation (SAC) Lough Oughter and Associated Loughs”. This SAC is part of the EU-wide “Natura 2000” network of nature protection areas in the territory of the European Union, was EU-funded and falls under the “Habitats Directive”, formally known as “Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora”. The Cavan SAC named above has a unique profile and description, is extremely sensitive in nature and therefore requires particular protection. Quote on the summary of the official Synopsis of the Department of Arts, Heritage and the Gaeltacht: *“The Lough Oughter area contains important examples of two habitats listed on Annex I of the E.U. Habitats Directive and supports a population of the Annex II species, Otter. The site as a whole is the best inland example of a flooded drumlin landscape in Ireland and has many rich and varied biological communities. Nowhere else in the country does such an intimate mixture of land and water occur over a comparable area, and many of the species of wetland plants, some considered quite commonplace in Lough Oughter and its associated loughs, are infrequent elsewhere.”*

Referring to the Department of Communication, Climate Action and Environment Notice, downloaded from the Department’s website, page 2. It states there: *(Quote)* *“A screening determination has been carried out for the project. Particular attention was paid to European sites within the project area or in proximity to the project area. Lough Oughter and Associated Loughs SAC (Site Code 000007) Lough Oughter SPA (Site Code 004049)*

*It has been determined that the project does not have the potential for significant effects on European Sites” (Unquote).*

Considering the very special nature and sensitivity of the above quoted SAC and SPA an impact study on the effects of the project on this particular SAC / SPA is required first before such a statement could possibly be made. Such an impact study must be commissioned to and carried out by independent and recognized experts in this field. The department should provide details on how they came to their conclusion, *“that the project does not have the potential for significant effects on European Sites”*, considering the varied nature of the mineral exploration activities outlined in the Notice, including drilling with drilling rigs brought into wetlands and access to soft grounds etc. Such

activities certainly will damage habitat and species in this particular, very sensitive SAC / SPA.

**Protection of Frog Population:**

In addition, but as part of the above, flora and fauna habitats are potentially at risk if there is a disturbance of water supply including the many frogs that return to breed here each year. In Ireland, frogs are protected under the Irish Wildlife Act (1976, amended 2000) and human intrusions and disturbances to water supplies are listed as a primary impact or threat under the EU Habitat Directive codes relevant to the frog. We feel this issue alone warrants an Environmental Impact/Risk Assessment.

**Marble Arch Global Geopark Heritage Site:**

In addition the area outlined for the prospecting license is part of the Cavan-Fermanagh situated "Marble Arch Global Geopark Heritage Site", which stretches into Cavan as far as Castle Saunderson and Drumlane Abbey, both also situated in the SAC. It is most likely, that this important cross-border Irish asset is losing its status, once a mine is operating in the area. This would have serious impact on the tourist industry also!

**Summary (2):**

Under no circumstances should the licence process continue, it should be put on hold immediately on conservation and environmental grounds.

- **On Farmers Concerns:**

The area is widely operated and looked after by responsible farmers. Farming is an ethical commercial enterprise, meaning that business is conducted ethically on a daily basis – including the movement of livestock, feed and equipment. Farmers cannot afford to have this interrupted by mining representatives coming and going whenever they see fit. This is an infringement of the rights as self-employed farmers. Farming in Ireland is already difficult enough for young families and for older farmers alike, without adding this burden to our / their daily lives.

Farmer's cattle depend on a natural spring well for water, in summer and winter, as they have done for generations. There is potentially a serious risk to this water supply from mining exploration. Farmers are suggesting an independent Environmental Impact/Risk Assessment of groundwater bodies and flow regimes be conducted before even considering granting a license to an exploration / mining company.

**Summary (3):** It is suggested to contact the Irish Farmers Association (IFA) to get the issue of access further discussed and to consider our objection points with this organisation also, i.e. to arrange for an independent Environmental Impact / Risk Assessment of groundwater and flow bodies.

- **On mining policy principles:**

This objection is one of principle, whereby our natural resources are sold off to Australian companies, or the highest bidder, without favourable consideration of the people who live and work here. This appears to be due mainly to an Act written in 1940, with numerous amendments in favour of economic interests – which would benefit further scrutiny from an ethical perspective as we ask you this: where are the farmers rights, as a business entity, or the land owners rights who deserve to feel

secure and protect their property, or the environmentalist's rights who potentially must stand by whilst Irish habitats are plundered in the name of Australian profit? This leads to the question, should mining generally not be banned in Ireland in a small country, where mining has a negative effect on many, where there is a conflict of interest between various sectors of society (i.e. Agriculture, Tourist Industry, Smart Economy etc.) The mining industry by definition is a dirty and damaging industry plundering and leaving destruction behind for generations to deal with!

- **On information policy grounds:**

Finally the need for a more pro-active and considered information policy including public meetings is evident. We require better and more detailed publications and communications to all households and businesses in the area by the department's officials and by government **and full consultation now! Prior to granting a license, we request a public meeting in October 2017 here in the area for further consultation and discussions, organized by your department and well communicated in advance to all living and working here in the area!**

Signature: