

[REDACTED]

From: Seb Rider [REDACTED]
Sent: Sunday 18 December 2016 11:42
To: OHara, Mary
Subject: Re: Aquaculture Licences Appeals Board

Dear Mary,

Yes is can confirm my availability between 13-17th Feb.

Best wishes, Seb

On 16 Dec 2016 16:46, "OHara, Mary" <Mary.OHara@agriculture.gov.ie> wrote:

Dear Sebastien

I received your email address from Graham Saunders. I understand from him that you have confirmed to him that you would be willing to provide technical assistance in respect of an Oral Hearing which is due to be held in relation to an appeal in relation to a the granting of an Aquaculture and Foreshore Licences to Bradán Fanad Teo t/a Marine Harvest Ireland, Kindrum, Fanad, Letterkenny, Co. Donegal on site Ref: T05/555 for the cultivation of Atlantic Salmon; *Salmo Salar* on a site on the foreshore at Shot Head, Bantry Bay, Co Cork. I am wondering would the week of 13-17 February 2017 suit. It is expected to be for 2 days. I will forward a letter to you next week but I just wanted to let you know the dates planned if you could confirm that they would suit please.

Regards

Mary

Mary O'Hara

Agriculture Appeals Office

Kilminchy Court

Portlaoise

Co Laois

R32 DTW5

Phone: 057 8631902

Department of Agriculture, Food and the Marine

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An Roinn Talmhaíochta, Bia agus Mara

Tá an t-eolas san ríomhphost seo, agus in aon ceanglaín leis, faoi phribhleid agus faoi rún agus le h-aghaidh an seolair amháin. D'fhéadfadh abhar an

seoladh seo bheith faoi phribhléid profisiunta nó dlíthiúl. Mura tusa an seoláí a bhí beartaithe leis an ríomhphost seo a thail, tá cosc air, nó aon chuid de, a úsáid, a chloipeal, nó a scaoileadh. Ma tháinig sé chugat de bharr dearmad, teigh i dteagmháil leis an seoltóir agus scríos an t-ábhar ó do ríomhaire le do thoil.

Aquaculture Licences Appeals Board
An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Kilminchy Court
Dublin Road
Portlaoise
Co Laois



Tel: 057 8667857

Email: info@alab.ie

Web: www.alab.ie

Mr Sebastien Rider



22 December 2016

Our Ref: AP2/1-14/2015

Site Ref: T05/555

Re: Appeal against the decision by the Minister for Agriculture, Food and the Marine to grant Aquaculture and Foreshore Licences to Bradán Fanad Teo t/a Marine Harvest Ireland, Kindrum, Fanad, Letterkenny, Co. Donegal on site Ref: T05/555 for the cultivation of Atlantic Salmon; *Salmo Salar* on a site on the foreshore at Shot Head, Bantry Bay, Co Cork

Dear Mr Rider,

The Aquaculture Licences Appeals Board (ALAB) was established in 1998 under Section 22 of the Fisheries (Amendment) Act 1997. The function of the Board is to provide an independent authority for the determination of appeals against decisions of the Minister for Agriculture, Food and the Marine on aquaculture licence applications. A person aggrieved by a decision of the Minister on an aquaculture licence application, or by the revocation or amendment of an aquaculture licence, may make an appeal. An appellant may request an Oral Hearing at the time of appeal. Further details regarding ALAB can be found on the website www.alab.ie.

The primary legislation under which the Board operates is the Fisheries (Amendment) Act, 1997, but regard should also be given to various other pieces of legislation including, but not limited to, the Birds Directive 2009, the Habitats Directive (Consolidated 2007), SI 477 of 2011, and the more recent Aquaculture (Licence Application) (Amendment) Regulations 2012 (S.I. No. 301 of 2012) and the European Union (Environmental Impact Assessment) (Aquaculture) Regulations 2012 (S.I. No. 410 of 2012).

It is intended that an Oral Hearing in respect of this appeal will be held on 14 and 15 February 2017 at the West Lodge Hotel, Bantry, Co. Cork (to be confirmed next week). The Oral Hearing will be chaired by Dr Owen McIntyre, a Board member of ALAB. The Board is seeking proposals for provision of technical advice to the Chairperson of the Oral Hearing, in advance of and for the duration of the Oral Hearing and during the preparation of the Chair's report for the Board subsequent to the Oral Hearing. The appointed advisor may also require a visit to the site, if deemed necessary. The Board has previously taken technical advice in relation to the appeal in this case. An Interim Report will be available and will need to be reviewed by the appointed Technical Advisor to the Chair in conjunction with this appointment.

For your information a copy of the Oral Hearing Guidelines which have been adopted by the Board are attached. The Board ask that you submit a fee proposal for the following:

1. Your assessment of the time commitment required;
2. Whether a site visit will be required; and
3. A capped fee proposal for a specified number of hours, together with details of the hourly rate applicable for any additional hours which may be agreed by the Chair of the Oral Hearing;

I would I be obliged if you would revert with your proposal by close of business on Wednesday 4 January 2017.

When responding will you please confirm that no conflict of interest arises in you or your company's providing this advice. I have attached a Section 33 Declaration and Confidentiality Agreement which are required to be completed and returned to me.

Should you require any further information regarding this issue, please do not hesitate to contact me.

Kind regards,

A handwritten signature in black ink that reads "Mary O'Hara". The signature is written in a cursive style with a horizontal line underneath it.

Mary O'Hara
Secretary to ALAB

[REDACTED]

From: Seb Rider [REDACTED]
Sent: Monday 9 January 2017 15:11
To: Alab, Info
Cc: OHara, Mary
Subject: Re: FW: ALAB AP2/2015 Shot Head
Attachments: CONFIDENTIALITY AGT ALAB AND XXX.doc; Statement of Interests for the purposes of Section 33 Fisheries.doc

Dear [REDACTED]

Apologies for delay, I was without a computer for the past few weeks.

I have attached completed 'Statement of Interest' and 'Confidentiality Agreement' forms.

[REDACTED]

No site visit is required, as this has already been completed by the other Technical Advisor Dr Graham Saunders.

Best regards, Sebastien

On 9 January 2017 at 11:11, Alab, Info <Info@alab.ie> wrote:

Dear Seb

Mary O'Hara has asked me to contact you in relation to her email sent to you on 23th December 2016 requesting a reply by 4th January 2017.

Can you confirm a reply as soon as possible as there is a Board Meeting Tuesday 10th January 2017 at 5 pm.

Should you require any further information regarding this issue, please do not hesitate to contact me.

Regards

[REDACTED]

Aquaculture Licences Appeals Board

Kilminchy Court

Portlaoise


Co Laois

R32 DTW5

Phone: 057 8631912

Statement of Interests for the purposes of Section 33 Fisheries (Amendment) Act, 1997


Please complete in **BLOCK CAPITALS**

Name:	Sebastien Andrew Rider
Designated Position of Employment Held:	Technical Advisor
Public Body:	Aquaculture Licences Appeals Board
Date of Appointment:	7 th April 2016
Address for Correspondence:	

Section 33	Considered (please tick v)	Interest (please tick v)	Details provided (please tick v)
1	✓		
2	✓		
3	✓		
4	✓		
5	✓		
6	✓		
7	✓		
8	✓		
9	✓		
10	✓		
11	✓		
12	✓		

Details:

I am aware of the obligations placed on me by Section 33 Fisheries (Amendment) Act, 1997

Signed: Sebastien Rider 

Date: 9th January 2017

Section 33 Fisheries (Amendment) Act, 1997

33.—(1) A person to whom this section applies shall give to the Board a declaration in the prescribed form, signed by him or her, containing particulars of—

- (a) every interest of his or hers which is an interest to which this section applies, and
- (b) every change in any such interest or any other interest to which this section applies subsequently acquired by the person.

(2) This section applies to—

- (a) the Chairperson,
- (b) other members of the Board,
- (c) the secretary of the Board, and
- (d) each consultant or adviser engaged by the Board.

(3) This section applies to the following interests:

- (a) any estate or interest which a person to whom this section applies has in any land, or in any process, development or operation, associated with aquaculture or fish processing or the manufacture, sale or distribution of products used in aquaculture or fish processing;
- (b) any business or dealing in or developing land, or any process, development or operation associated with aquaculture or fish processing or the manufacture, sale or distribution of products used in aquaculture or fish processing, in which such a person is engaged or employed and any such business carried on by a company or other body of which he or she, or any nominee of his or hers, is a member;
- (c) any profession, business or occupation in which such a person is engaged, whether on his or her own behalf or otherwise, and which relates to dealing in or developing land or to any process, development or operation associated with aquaculture or fish processing or the manufacture, sale or distribution of products used

in aquaculture or fish processing.

(4) A person to whom this section applies who has an interest to which this section applies shall be regarded as complying with the requirements of *subsection (1)* only if he or she gives to the Board a declaration mentioned in that subsection within the period of 28 days—

(a) beginning on the day on which he or she becomes such a person, or

(b) where there is a change in an interest particulars of which are contained in a declaration already given by the person, or where the person acquires any other interest to which this section applies, beginning on the day on which the change occurs or, as the case may be, the other interest is acquired.

(5) For the purposes of this section but subject to *subsection (6)*, a person shall be regarded as having an estate or interest in land or an activity if the person, or the person's nominee, is a member of a company or any other body which has an estate or interest in the land or activity.

(6) For the purposes of this section, a person shall not be regarded as having an interest to which this section applies if the interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence a person in considering or discussing, or in voting on, any question in respect of a matter arising or coming before the Board or in performing a function in relation to that matter.

(7) Where a person to whom this section applies has an interest to which this section applies by reason only of the beneficial ownership of shares in a company or other body by him or her or by his or her nominee and the total nominal value of those shares does not exceed the lesser of—

(a) £1,000, or

(b) one-hundredth part of the total nominal value of either the issued share capital of the company or body, or where that capital is issued in shares of more than one class, the issued share capital of the class or classes of shares in which he or she has an interest,

subsection (1) shall not have effect in relation to that interest.

(8) The Board shall, for the purposes of this section, keep a register (in this section referred to as the “*register of interests*”) and shall enter in it the particulars contained in

declarations given to the Board pursuant to this section.

(9) The register of interests shall be available for inspection by any person at the office of the Board during normal office hours, and a copy of the register or any entry in the register may be obtained by any person on the payment to the Board of such fee, if any, as the Board may fix, not exceeding the reasonable cost of making the copy.

(10) Where a person ceases to be a person to whom this section applies, all particulars entered in the register of interests as a result of a declaration being given by the person to the Board pursuant to this section shall be removed from the register by the Board as soon as practicable after the expiration of the period of 20 years beginning on the day on which the person ceases to be a person to whom this section applies.

(11) Subject to *subsection (12)*, a person who, when purporting to comply with *subsection (1)*, gives particulars which are false or which, to his or her knowledge, are misleading in a material respect, shall be guilty of an offence.

(12) In proceedings for an offence under this section it shall be a defence for the defendant to prove that at the relevant time he or she believed, in good faith and on reasonable grounds, that—

- (a) the relevant particulars were true,
- (b) there was no matter about which he or she was then required to make a declaration under *subsection (1)*, or
- (c) that the matter in relation to which the offence is alleged was not one about which he or she was so required to make a declaration.

Dated the day of 2016

AQUACULTURE LICENCE APPEALS BOARD

-and-

Sebastien Andrew Rider

CONFIDENTIALITY UNDERTAKING



CONFIDENTIALITY UNDERTAKING made the 9th day of January 2017

Between:

(1) **AQUACULTURE LICENCES APPEALS BOARD** of Kilminchy Court, Portlaoise, Co Laois R32 DTW5 (hereinafter called the "ALAB")

and

(2) **Sebastien Rider** of [REDACTED] (hereinafter called the "the Consultant").

1. In consideration of ALAB from time to time disclosing information documents and records to the Consultant relating to the appeals before ALAB (such information documents and records being hereinafter called the "Information") the Consultant hereby undertakes with ALAB as follows:
 - 1.1 To maintain the Information and all information directly or indirectly generated therefrom (such generated information being hereinafter called the "Generated Information") in strictest confidence and not to disclose such Information to nor discuss the same with any third party except that the Consultant may disclose the Information and the Generated Information to or discuss it with professional advisers of the Consultant after delivering to ALAB a confidentiality undertaking signed by such professional adviser in terms *mutatis mutandis* identical to those contained in this Agreement.
 - 1.2 To use the Information and Generated Information only for the purpose of advising ALAB in connection with appeals before ALAB pursuant to the Fisheries (Amendment) Act, 1997.
 - 1.3 To keep the Information and Generated Information secure and separately identified from all other documents and records of the Consultant.
 - 1.4 Not to take copies of or to make extracts from the Information without first obtaining the written consent of ALAB and in that event to make such copies or extracts only to the extent that the same may be strictly required for the purpose of the evaluation carried out pursuant to sub-paragraph 1.2 above.
 - 1.5 Within five working days after receiving a written request to this effect from ALAB to (a) deliver up to ALAB all the Information which has been provided to the Consultant hereunder including all copies extracts or other reproductions thereof which have been made by the Consultant and/or his professional advisers or at the option of ALAB to obliterate or destroy all the Information including all copies extracts or other reproductions and provide a certificate to ALAB stating that the same have been obliterated or destroyed and (b) obliterate or destroy all the Generated Information including all copies extracts or other reproductions and provide a certificate to ALAB stating that the same have been obliterated or destroyed.

2. The Consultant shall not be in breach of the terms of this Agreement if he can prove that any disclosure of the Information (or part thereof) followed:
 - 2.1 the Information (or relevant part thereof) becoming generally available to the public otherwise than by an earlier unauthorised disclosure by the Consultant; or
 - 2.2 the Information (or the relevant part thereof) being required to be disclosed by applicable law or by the order of a court of competent jurisdiction or pursuant to the lawful requirement of any government or agency

Provided always that the Consultant shall before such disclosure is made consult ALAB about the proposed purpose extent and manner thereof.

3. This Agreement shall remain in force until ALAB confirms it is no longer applicable.
4. This Agreement shall be construed according to Irish law and the parties hereby submit to the exclusive jurisdiction of the courts of the Republic of Ireland.

For and on behalf of
the Consultant

For and on behalf of
ALAB

Sebastien Rider



Dated: 9th January 2017

Dated:

[REDACTED]

From: Graham Saunders [REDACTED]
Sent: Monday 6 February 2017 09:39
To: Alab, Info
Subject: Re: Letter re Oral Hearing

Thanks Mary.

Regards

Graham

On 6 February 2017 at 08:27, Alab, Info <Info@alab.ie> wrote:

Hi Graham

Sorry about that error in the letter. Sebastien will be fulfilling a separate role as Technical Advisor for the Chairperson.

Regards

Mary

From: Graham Saunders [REDACTED]
Sent: 03 February 2017 17:42
To: Alab, Info
Subject: Re: Letter re Oral Hearing

Hi Mary,

Another question: Would Sebastien Rider qualify as my "accompanying party", or is he fulfilling a separate role at the Oral Hearing?

Regards

Graham

On 3 February 2017 at 15:55, Alab, Info <Info@alab.ie> wrote:

Graham

Please find attached letter re Oral Hearing.

Regards

Mary

Mary O'Hara

Aquaculture Licences Appeals Board

Kilminchy Court

Portlaoise

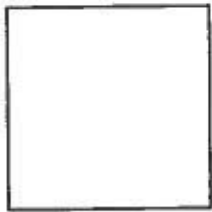
Co Laois

R32 DTW5

Phone: 057 8631912

Mobile: 0879973669

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Web: [Redacted]

--



Web: [Redacted]

From: Seb Rider [REDACTED]
Sent: Friday 10 February 2017 22:02
To: OHara, Mary
Subject: Re: Bantry bay

Mary,

Thank you very much.

Seb

On 10 Feb 2017 15:58, "OHara, Mary" <Mary.OHara@agriculture.gov.ie> wrote:

Seb

Please see attached documentation for info for Oral Hearing.

Regards

Mary

Mary O'Hara

Aquaculture Licences Appeals Board

Kilminchy Court

Portlaoise

Co Laois

R32 DTW5

Phone: 057 8631912

Mobile: 0879973669

Department of Agriculture, Food and the Marine

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An Roinn Talmhaíochta, Bia agus Mara

Ta an t-eolais san ríomhphost seo, agus in aon ceanglaí leis, faoi phribhléid agus faoi rún agus le h-aghaidh an seolair amháin. D'fhéadfadh ábhar an seoladh seo bheith faoi phribhléid profesúnta nó dlíthiúil. Mura tusa an seolair a bhí beartaithe leis an ríomhphost seo a fháil, tá csc air, nó aon chuid de a úsáid, a choipeáil, nó a scaoileadh. Má tháinig sé chuigat de bharr dearmaid, téigh i dteagmhail leis an seoltóir agus scríob an t-abhar ó do ríomhaire le do thoil.

[REDACTED]

From: Seb Rider [REDACTED]
Sent: Friday 8 September 2017 10:35
To: OHara, Mary
Subject: Re: FW: our Ref: AP2/1-14/2015. T05/555 Shot Head, Bantry Bay, Co. Cork

Thank you Mary, I will be in touch with Graham about it when back in the UK.

Best wishes Seb

On 7 Sep 2017 20:09, "OHara, Mary" <Mary.OHara@agriculture.gov.ie> wrote:

Graham/Seb

Please see email below received from [REDACTED] from Inland Fisheries.

Graham you will need to consider and include /amend your interim report. You may need to comment at oral hearing.

Regards

Mary

Sent from my Windows Phone

From: [REDACTED]
Sent: 06/09/2017 14:48
To: OHara, Mary<<mailto:Mary.OHara@agriculture.gov.ie>>
Subject: RE: our Ref: AP2/1-14/2015. T05/555 Shot Head, Bantry Bay, Co. Cork

Dear Ms O'Hara

In October 2016 IFI Macroom received a request from ALAB for information in relation to salmonid stocks in the Dromagowlane River, Trafrask, Co.Cork.

Salmonids can be defined as fish belonging to or characteristic of the family Salmonidae, which includes the salmon, brown trout, and sea trout. It is the understanding of IFI that of specific interest in this case were salmon and sea trout (migratory species) which could potentially be impacted by a proposal to situate a salmon farm in the vicinity of Shot Head.

As the Dromagowlane River is not one of the 141 designated salmon rivers IFI had not carried out any catchment wide electro-fishing on it. Therefore specific information on salmonids therein was unavailable. However anecdotal information from IFI staff suggested the presence of salmon, sea trout and brown trout in the Dromagowlane River. In order to ascertain further information IFI undertook a semi-quantitative electrofishing study of the Dromagowlane River on 9th May 2017. The study consisted of conducting a timed 5 minute electrofishing survey at a number of sites in the catchment, so that each site had the same level of fishing effort. The survey was not designed to be exhaustive but rather to provide a snap shot of fish populations in the Dromagowlane River at a point in time.

The Dromagowlane River catchment drains an area of approximately 15km² before entering the sea near Trafrask on the northern shore of Bantry Bay. The upper reaches of the catchment are predominantly steep and mountainous in nature while the remaining basin composed of extensive agriculture including some afforestation. A total of 6 sites in the catchment were electro-fished (Figures 1 & 2). Site selection was influenced and limited by a number of factors including accessibility, flow volumes, substrate and natural barriers.

Figure 1: Dromagowlane River Electrofishing Sites 1, 2, 3 & 6.

[[cid:image005.png@01D32716.C4180A70](#)]

Figure 2: Dromagowlane River Electrofishing Sites 1, 2, 3, 4, 5 & 6.

[[cid:image006.png@01D32716.C4180A70](#)]

A summary of the findings of the electro-fishing survey is presented in Table 1. In total 3 fish species were recorded in the Dromagowlane River –salmon, brown trout and eels. The presence of salmon was limited to Sites 1, 2 & 3 (lower catchment) while brown trout were recorded at all sites. No sea trout were recorded. A total of 6 salmon specimens were recorded, all juvenile fish in the 6-9cm range.

Table 1: Summary of electro-fishing survey Dromagowlane River.

Site

Salmon No.
(6-9cm)

Brown Trout No.
(4-15cm)

Eel No.

Salmon
Density (/ m²)

Brown Trout
Density (/m²)

1

2

4

2

0.018

0.035

2

1

9

4

0.009

0.086

3

3

6

1

0.052

0.103

4

0

11

0

0.076

5

0

4

0

0.047

6

0

10

5

0.079


Senior Fisheries Environmental Officer.

Iascach Intíre Éireann
Inland Fisheries Ireland


Sunnyside House, Macroom, Co. Cork, Ireland. P12 X602

Help Protect Ireland's Inland Fisheries

From: OHara, Mary [mailto:Mary.OHara@agriculture.gov.ie]
Sent: 22 December 2016 17:10
To: Michael McPartland
Subject: our Ref: AP2/1-14/2015. T05/555 Shot Head, Bantry Bay, Co. Cork

From: [REDACTED]
Sent: 19 October 2016 13:46
To: Alab, Info
Subject: Your Ref: AP2/1-14/2015. T05/555 Shot Head, Bantry Bay, Co. Cork FAO: Mart O'Hara.

Mary,

I refer to your letter of 6th October in relation to the above-mentioned

The Dromagowlane River is not one of the 141 designated salmon rivers so IFI have not carried out any catchment wide electro-fishing on it. Therefore specific information on salmonid densities therein are not available. However I personally have spot electro-fished this river approximately 3 years ago associated a school visit from the adjacent national school. I recall the presence of salmon, sea trout and brown trout but unfortunately I cannot add any further detail.

[REDACTED]
Senior Fisheries Environmental Officer.

Iascach Intíre Éireann
Inland Fisheries Ireland

[REDACTED]

Sunnyside House, Macroom, Co. Cork, Ireland. P12 X602

Help Protect Ireland's Inland Fisheries

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Department of Agriculture, Food and the Marine

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An Roinn Talmhaíochta, Bia agus Mara

Tá an t-eolais san ríomhphost seo, agus in aon ceanglái leis, faoi phribhléid agus faoi rún agus le h-aghaidh an seoláí amháin. D'fhéadfadh ábhar an seoladh seo bheith faoi phribhléid profisiúnta nó dlíthiúil. Mura tusa an seoláí a bhí beartaithe leis an ríomhphost seo a fháil, tá cosc air, nó aon chuid de, a úsáid, a chóipeál, nó a scaoileadh. Má tháinig sé chugat de bharr dearmad, téigh i dteagmháil leis an seoltóir agus scríos an t-ábhar ó do ríomhaire le do thoil.

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