

AQUACULTURE LICENCES APPEALS BOARD

BOARD MEETING 18.06

Portlaoise

28 August 2018

Meeting commenced at 8am and concluded at 13.00hrs.

Minutes

Present: Imelda Reynolds (Chairperson), Michael Sweeney, Brendan Brice, Jim Power,
Francis O' Donnell

Apologies: Michael Mulloy, Prof Owen McIntyre

In attendance: Mary O'Hara (Board Secretary of ALAB), Margaret Brennan (ALAB)

The Chairperson welcomed the new Board member Francis O' Donnell and congratulated him on his appointment. Mr O'Donnell confirmed that he was not conflicted for any of the appeals on hand.

18.05.01 - Conflicts of Interest

Subject to the matters below, all Board members confirmed that they had no conflict of interest in any of the matters before the Board for consideration at the meeting.

Brendan Brice confirmed he would depart the meeting when Items 7 (AP2/1-14/2015 Shot Head), Item 8 (AP1-4/2017 and AP6/2017 Braade Strand), Item 10 (AP2-4/2018 and AP5/2018 Lough Swilly, for tender evaluation for appointment of a Technical Advisor) and Item 11 (AP6/1-2/2018 Dunmanus Bay, Co Cork for tender evaluation for appointment of a Technical Advisor) were being discussed, to avoid conflict of interest and any perception of bias.

The Secretary confirmed redacted papers in respect of the Appeals under Items 7 and 8 had issued to Brendan Brice, and the tender information would only be circulated at the meeting.



18.05.07 - AP2/1-14/2015 Shot Head, Bantry Bay, Co Cork

Board member Brendan Brice recused himself for this item.

The Board noted the following correspondence:

- Letter to Appellant Mr J.B. O'Keeffe dated 16 August 2018 regarding his email of 11 May 2018
- Email Submission from Mr J.B. O'Keeffe 17 June 2018
- Email Submission from Mr J.B. O'Keeffe 27 July 2018
- Email Submission from Mr J.B. O'Keeffe 30 July 2018
- Email Submission from Mr J.B. O'Keeffe 30 July 2018
- Email Submission from Mr J.B. O'Keeffe 30 July 2018
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- Email photo from Mr J.B. O'Keeffe 30 July 2018
- Email Submission from Mr J.B. O'Keeffe 31 July 2018
- Email Submission from Mr J.B. O'Keeffe 31 July 2018
- Email Submission from Mr J.B. O'Keeffe 11 August 2018

Following consideration of the various emails from Mr J.B. O'Keeffe as outlined above, the Board agreed the following:

1. the matters raised in the email of 11 August 2018 were received after the agreed submission date for observations and accordingly cannot be considered by the Board. The Secretary shall write to Mr O’Keeffe accordingly;
2. The Secretary shall consolidate the emails received between 17 June 2018 and 31 July 2018 into one document, and this document will comprise Mr O’Keeffe’s observations in response to the section 46 Notice dated 10 April 2018 . The Secretary shall send this consolidated document to Mr O’Keeffe for reference.

It was noted that Graham Saunders, the Board’s Technical Advisor on these appeals is to provide a updated draft Technical Advisor Report taking into account all the submissions received by the Board in response to the s 46 Notice dated 10 April 2018 as well as the reply to the NPWS letter when received.

It was agreed the Secretary would notify Marine Harvest Ireland that they must publish the supplementary EIS.

It was agreed that ALAB should, in addition, notify all the parties to the appeal of the supplemental EIS, and alert them of the publication of the Notice, should they wish to make submissions.

Arising from the receipt of the submissions and observations received to the Section 46 Notice and bearing in mind the steps yet to be taken, including publication of the notice concerning the Supplemental EIS as well as the requirement to allow time for submissions concerning same and their subsequent evaluation, the Board reviewed again the timescale for determination of this appeal. Having done so, it formed the view it would not be in position to determine these Appeals by 31 October 2018. The Board determined that it would extend the date for determination of appeals AP2/1-14/2015 to 30 June 2019. The Secretary was instructed to issue a notice to all parties pursuant to section 56 of the Act advising of the extension of time for determination and post a notice to this effect on the ALAB website also.

Dated the 9 day of October 2018

Imelda Reynolds

Imelda Reynolds

CHAIRPERSON