

AQUACULTURE LICENCES APPEALS
BOARD

BOARD MEETING 19.03

Portlaoise

30 April 2019

Meeting commenced at 8am and concluded at 18.10hrs.

Minutes

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

Apologies: Prof Owen McIntyre

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

19.03.01 - 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 Item 5 (AP7-11/2017 Trawbreaga), Item 6 (AP2/1-14/2015 Shot Head), Item 7 (API-4/2017 and AP6/2017 Braade Strand) and Item 8 (AP6/1-2/2018 Dunmanus Bay, Co Cork) were being considered, to avoid conflict of interest and any perception of bias.

Francis O' Donnell confirmed he would depart the meeting when Item 46 (AP45/2018 Bank Harbour) was being considered, to avoid conflict of interest and any perception of bias.

The Secretary confirmed that appropriately redacted papers had issued to Brendan Brice, Francis O'Donnell and Owen McIntyre.

The Board members and administrative staff confirmed that no communications had been received c by any of them for the purposes of influencing improperly the consideration by the Board of any appeals or decisions before the Board at this meeting, in breach of section 31 of the Act.

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19.03.06 - AP2/1-4/2015 Shot Head

Board member Brendan Brice recused himself for this item. Graham Saunders linked in to the Board meeting via Skype for this item.

The Board noted the further Section 47 Notice issued to the Marine Institute on the 23rd April 2019 seeking evidence to support the MI's statement that the salmonid hosts in the Dromogowlane/Trafrask river system are predominantly non-migratory brown trout, and that the MI should provide such evidence to AI-AB; and clarification as to whether there is any evidence of any Atlantic Salmon (*Salmo Salar*) in the Trafrask/Dromogowlane river system;

The Board noted an email received from Graham Saunders on 24th April 2019 where he attached NPWS Guidance document in relation to carrying out an AA.

The Board considered the following documentation:

- the Supplemental AA screening for Birds provided by Olivia Crowe dated April 2019; ● Dr Gittings Desktop Birds Report dated February 2018;
- Section 47 Notice to Marine Institute dated 27 February 2018;
- Section 47 Notice response from Marine Institute dated 28 March 2018; and
- Clarification email from Marine Institute in respect of its 28 March 2018 response, dated 24 April 2018.

Having done so, the Board recognised there was and is competing advice and a conflict in views between that provided to the Board by the Marine Institute in its response to the Board's section 47 Notice of 27 February 2018 and the conclusions contained in the Supplemental AA screening for Birds undertaken by Olivia Crowe included in the report dated April 2019. In the circumstances, and having fully considered the conflicting opinions, the Board acknowledged there is uncertainty. The Board noted the advice in the Supplemental AA Screening that it was not possible to rule out the potential impacts of the proposed development on Fulmar SCIS (Beara Peninsula SPA, Iveragh Peninsula SPA Deenish Island and Scarrif Island SPA), Gannet SCIS (the Bull and Cows Rocks SPA and Skelligs SPA) and Guillemot SCI (Iveragh Peninsula SPA). The Board accepted the findings of the Supplemental AA Screening and adopted the recommendation that the assessment proceed to a Stage 2 Appropriate Assessment.

The Board authorised the Secretary to seek legal advice for ALAB in terms of progressing the Stage 2 Appropriate Assessment. It was also agreed to seek clarification as to whether there was any conflict in Olivia Crowe carrying out the Stage 2 assessment.

The Board also noted letter dated 10 April 2019 from the applicant returning the Supplementary EIS for these appeals which had been on display in Bantry Garda Station from 20 November 2018 to 31 January 2019.

The letter also informed the Board of the name change of the Applicant from Marine Harvest Ireland to MOWI Ireland.

The Board decided to consider the time for determination of these appeals at the next board meeting once it had a better sense of the timing required for the stage 2 Appropriate Assessment.

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Dated the 15 day of May

Imelda Reynolds

~~Imelda Reynolds~~
Imelda Reynolds CHAIRPERSON

2019

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