

AQUACULTURE LICENCES APPEALS BOARD

BOARD MEETING 19.07

Portlaoise

09 October 2019

Meeting commenced at 17.00hrs and concluded at 17.00hrs.

Minutes

Present: Imelda Reynolds (Chairperson), Michael Sweeney, Michael Mulloy,
Francis O' Donnell, John Evans, Bill Sweeney, Micheál 6 Cinnéide

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

19.07.01 - Conflicts of Interest

Board member Francis O Donnell informed the Chair and the Board that he has agreed to accept a new role with Inland Fisheries Ireland, which he believed would necessitate him stepping down from the Board on taking up the role. He stepped out of the meeting while the Board considered whether in the meantime it was appropriate for Mr. O'Donnell to remain on the Board. The Board considered the position and decided it was in order for Mr O'Donnell to remain as part of the Board on the basis that he would recuse himself from consideration of certain appeals (as proposed by Mr O'Donnell himself). The relevant appeals from which Mr O'Donnell will be recused from, to avoid any perception of conflict of interest are Item 6 (AP2/1-14/2015 Shot Head), Item19 (AP28/2018 Castlemaine Harbour (T6/477)) and Item 21 (AP45/2018 Bank Harbour). Mr O'Donnell advised that he had not received his commencement date but would write formally to the Board and the Minister with his resignation once advised. All other Board members confirmed that they had no conflict of interest in any of the matters before the Board for consideration at the meeting.

The Board members and administrative staff confirmed that no communications had been received seeking to improperly influence 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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The Board noted that there has been no acknowledgement from DAFM of the AI-AB letter 30 August to Secretary General of DAFM regarding the requested appointment of a Technical Advisor. The Board agreed this important issue should be escalated, and with further appeals arriving the appointment is increasingly urgent. The Chair shall seek to progress the matter with DAFM .

19.07.04 — The Board noted the following Correspondences;

The Board noted the Notification of the following Licence decisions from DAFM:

| Date | Amount Licences | Grant/Refuse | Bay |
|---------------------------------|-----------------|------------------|----------------------|
| 10 th September 2019 | 29 | Grant and Refuse | Wexford Harbour |
| 16 th September 2019 | 22 | Grant and Refuse | Wexford Harbour |
| 25 th September 2019 | 7 | Grant and Refuse | Killary Harbour |
| 26 th September 2019 | 11 | Grant | Clew Bay |
| 27 th September 2019 | 5 | Grant and Refuse | Mannin Bay |
| 30 th September 2019 | 16 | Grant and Refuse | Ardgroom/Kenmare Bay |
| 1 st October 2019 | 13 | Grant and Refuse | Kenmare Bay |
| October 2019 | 24 | Grant and Refuse | Kilmakilloge Harbour |

The Board also noted:

Emails from An Taisce between 18 and 30 September 2019 regarding fees for appeals.
 Letter 11 September 2019 from Chair to DAFM re DAFM Strategic Plan 2020-2023
 Ireland — A Directory 2020
 October 2019 Announcements
 "Q 39916-19 reply 30 September 2019

19.07.05 — Correspondence Circulated to the Board for noting on 11th September 2019

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- The Board noted the following correspondence circulated for noting on 11 September 2010:
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- ● Licence Notification from DAFM to grant Aquaculture Licence for Site References T09/373A, B, C/453/309/241/065/332/470 Mweeloon/Kinvara/Dunbulcaun/Galway Bay.
- ● Licence Notification from DAFM to grant a variation of Aquaculture Licences in the Mountcharles-Eddrim area of Donegal Bay, Co. Donegal Site references T12/396 & T12/446A
- ● Licence Notification from DAFM to grant Licences in Saula Bay, Achill, Co. Mayo. Site references TIO/330, TIO/331, TIO/332 ● Local Government 120 years 27 June 2019
 - July Announcements
- ● New Board Member appointments 17 July 2019
 - PQ 30846/19 - Denis Naughten received 23 July 2019

- Department of Agriculture, Food and the Marine — Statement of Strategy 2020 — 2023 ● Letters to retired board members 29 July 2019
- August Upcoming Events
 - PSC Central Technical References and Economic Appraisal Parameters Circular 1 August 2019
 - Review of the Gender Recognition Act 2015
- Jim Power ALAB Documentation Declaration 7 August 2019
- Anti-Money Laundering Regulations SI 110 of 2019 8 August 2019
- Letter to Graham Lennox re new board members 8 August 2019 & DAFM response 9 August 2019
- Owen McIntyre ALAB Documentation Declaration 12 August 2019
 - Brendan Brice ALAB Documentation Declaration 22 August 2019
- September Upcoming Events
- Reply email from Dr. Nicolas Marcoux, Senior Governance Specialist with the Institute of Public Administration regarding an opportunity to deliver a Governance session to the Board.
 - Letters to Retired Board Members re documentation disposal dated 2 Aug 2019
- Letter to Secretary General Re Appointment of TA for AI-AB 30 August 2019
- Email from SIPO dated 28/8/19 re Updated guidelines and forms

The Chairperson suggested that going forward, the Secretary should use a 'consent agenda' which will be circulated to the Board with the papers in advance of each Board meeting. The objective is to agree in advance the matters circulated which do not need to be discussed at the meeting unless a Board member specifically requires that they be addressed. The Board agreed to introduce this process.

19.07.06 - AP2/1-14/2015 - Shot Head, Bantry Bay, co cork (Salmon) (to be determined by 31 March 2020)

Mr O'Donnell recused himself from consideration of this Appeal and left the meeting .

The Board noted the extension granted on 16 September 2019 extending the time for the Applicant to submit the required NIS to 31 October 2019.

The Board noted tenders from MERC and Eco Eireann had been received by ALAB in response to the Request for Proposals for an Appropriate Assessment in connection with these appeals, on receipt of the NIS. The Board noted that Aster had also been invited to tender but declared it had a conflict of interest and could not submit a tender response.

The Board examined both tenders. Having applied the criteria, the successful tenderer was MERC. The Secretary will progress the matter accordingly.

Mr. O'Donnell was invited to re-join the meeting.

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